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7	Dr. Gibson's engagements with Khots in Ratnágiri regarding proceeds of teak and blackwood cuttings. Concession to Khots in settled districts in Thána holding forests under special agreement	"
8	Agreements with Khots for the preservation of certain trees ...	886—87
9	Forfeiture of proceeds in cases of Khots' proved neglect in preserving forests	887
10	Payments of one-third of proceeds for forest fellings to be made to managing Khot	"
11	Khot's right as to free grant of wood to Rayats from Khoti forests.	887—88
	VI.—Miscellaneous.	
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2	Conversion of Khoti Nisbat into Dhára land	"

A'BKA'RI.

No. 655
23/10/99

I.—Reports and Returns.

1. The Commissioner of A'bkári should submit an annual report on the A'bkári Administration for the year ending July 31st. The Commissioners of Divisions may omit A'bkári from their Jamábandi reports. No alterations should, however, be made in this respect in the annual administration reports of the Collectors.

The Commissioner in Sind and the Political Resident at Aden should also submit separate reports on the Excise Department. All the three reports will be reviewed together and the review will show the general results of the administration of the Excise Department in the territories subject to the control of the Government of Bombay.

(G. R. Nos. 4020, dated 2nd August 1880, 2412, dated 29th April 1881, 6125, dated 18th October 1881, and 6572, dated 4th November 1881.)

2. Every effort should be made to submit the Administration Reports as soon as possible after the close of the year to which they relate. The reports lose much of their value and interest by being prepared late, and His Excellency in Council hopes that the wish of the Government of India, that they should receive these and other reports of a financial nature within six months of the close of the year to which they relate, will in future be complied with. For this purpose, the A'bkári Reports should reach this Government by 1st January at the latest.

(G. R. No. 5923, dated 29th August 1882.)

3. The annexed forms should be adopted in the A'bkári Administration Reports. Copies of the forms will be kept in stock at the Government Central Press, and will be supplied to the officers concerned in accordance with their requirements.

The Commissioner in Sind and the Political Resident, Aden, should enter in the forms appended to their reports, the particulars about opium, and also send extracts from the returns to the Commissioner of Customs, Salt, Opium and A'bkári to enable him to offer such remarks as may be called for, relating to the opium arrangements in Sind and Aden, in the general report which he submits to Government.

(G. R. No. 5599, dated 3rd August 1893.)

IMPERIAL
Excise Revenue and

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
	Detail of Gross Receipts during														
	Imported Liquors.	Spirits manufactured in India paying duty at higher rates than ordinary Country Spirit.				Country Spirits and Fermented Liquors.								Opium and its including	
District.	License Fees.	Duty on Spirits.	Duty on Malt Liquors.	License Fees.	Total.	Still-head Duty.	Proceeds of Outstill Farms.	License Fees for sale of Country Spirits.	Deficiency in Minimum Guaranteed Revenue for Still-head Duty.	Tree Tax.	Toddy-shop License Fees.	Deficiency in Minimum Guaranteed Revenue for Tree Tax.	Total.	Duty.	License Fees.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Bombay ..															
Ahmedabad ...															
Kaira															
Panch Maháls															
Broach ...															
Surat															
Thána															
Násik															
Khándesh ...															
Ahmednagar ...															
Poona															
Sátára															
Sholápur ...															
Bijápur ...															
Belgaum ...															
Dhárwár ...															
Kánara ...															
Ratnágiri ...															
Kolába... ...															
Total ...															

FORM No. 1.

Net Revenue of 189°-9 .

17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
THE YEAR BY DISTRICTS FROM														
preparations Poppy Heads.			Drugs other than Opium.			Fines, Forfeitures and Miscellaneous.								
			Gánja, Bháng, &c.											
Deficiency in Minimum Guaranteed Vend.	Gain on Sale-proceeds of Opium.	Total.	Fees on Permits.	License Fees.	Total.	Fines and Forfeitures under A'bkári Act.	Fines and Forfeitures under Opium Act.	Other items, A'bkári Revenue.	Other items, Excise Opium Revenue.	Total.	Grand Total.	Total Charges as in Form 2.	Net Revenue in the year.	REMARKS.
Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	

IMPERIAL FORM No. 2.

Excise Charges of 189 -9 .

1	2			3			4			5			6			7			8
District.	Detail of Charges during the year.															Grand Total Charges.			Remarks.
	Establishment.			Travelling Allowance.			Supplies and Services.			Contingencies.			Refunds.						
	Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.	
Bombay—																			
Commissioner of Customs ...																			
Collector of Land Revenue, Customs and Opium																			
Collector of Salt Revenue ...																			
Ahmedabad																			
Kaira																			
Panch Mahálś																			
Broach																			
Surat																			
Thána																			
Násik																			
Khándesh																			
Ahmednagar																			
Poona																			
Sátára																			
Sholápur																			
Bijápur																			
Belgaum																			
Dhárwár																			
Kánara																			
Ratnágiri																			
Kolába																			
Total, Charges for the year ...																			

[A'BKA'RI.

IMPERIAL FORM No. 3.

IMPERIAL

Manufactories, Licenses

1	2	3	4	5	6	7	8	9	10	11	12	13	14
	Manufacture of Liquor—Number of					Vend of							
						Number of wholesale licenses for sale of—					Number of special licenses of liquors, otherwise than retail shops, *e.g.* Hotels, Rooms and		
District.	Breweries.	Distilleries for the manufacture of spirit paying duty at higher rates than ordinary country spirits.	Country Spirit Distilleries.			European liquors imported or manufactured in India.	Country spirit.	Country fermented liquor (toddy).	Opium and its preparations.	Drugs other than opium.	Hotels.	Ordinary Refreshment Rooms and Stalls.	Railway Refreshment Rooms.
			Central Distilleries, public or private.		Out-stills.								
			Mhowra and molasses spirit.	Toddy spirit.									
Bombay ...													
Ahmedabad ...													
Kaira													
Panch Mahals ...													
Broach													
Surat													
Thána													
Násik													
Khándesh ...													
Ahmednagar ...													
Poona													
Sátára													
Sholápur ...													
Bijápur ...													
Belgaum ...													
Dhárwár ...													
Kánara													
Ratnágiri ...													
Kolába													
Total ...													

Note.—When one license covers the sale of more than one kind of liquor or drug, shop shoul

FORM No. 3.

and Shops.

15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
LIQUOR AND DRUGS.														
for retail sale in ordinary Refreshment Steamers.		Number of shops licensed to sell by retail.												
				Country fermented liquor (toddy).					Opium and its preparations.					
Travellers' Bungalows.	Temporary Refreshment Stalls.	European liquors imported or manufactured in India.	Country spirit.	Domestic consumption licenses.	Hawking licenses.	Tree-foot booth licenses.	Toddy-shop licenses.	Total.	Raw Opium.	Madat and Chandul, and other preparations of Opium.	Total of columns 24 and 25.	For medical purposes (druggists' permits and the like.)	Drugs other than Opium (Bhang Ganja, &c.)	REMARKS

be shown in the column for one kind only, the fact being noted in the column for remarks.

IMPERIAL

Duty and

1	2	3	4	5	6	7	8	9	10	11
	Spirits manufactured in India paying Duty at higher rates than ordinary Country Spirits.									
	Ordinary Spirits.		Spirits of Wine.		Methylated Spirits of Wine.		Perfumed Spirits.		Malt Liquor.	
District.	Issues at average strength of ( ) degrees Imperial Gallon.	Rate of duty per Imperial Gallon of ( ) London Proof.	Issues, Imperial Gallons.	Rate of duty per Imperial Gallon of ( ) London Proof.	Issues, Imperial Gallons.	Rate of duty per Imperial Gallon.	Issues, Imperial Gallons.	Rate of duty per Imperial Gallon.	Issues, Imperial Gallons.	Rate of duty per Imperial Gallon.
Bombay ...										
Ahmedabad ...										
Kaira ...										
Panch Mahâls ...										
Broach										
Surat										
Thána										
Násik										
Khándesh ...										
Ahmednagar ...										
Poona										
Sátára										
Sholápur ...										
Bijápur										
Belgaum ...										
Dhárwár ...										
Kánara										
Ratnágiri ...										
Kolába										
Total ...										

FORM No. 4.

Consumption.

12	13	14	15	16			17	18		19			20			21
COUNTRY SPIRITS ISSUED FROM CENTRAL DISTILLERIES, PUBLIC OR PRIVATE.							OPIUM AND ITS PREPARATIONS.						OTHER DRUGS.			
Issues of Imperial Gallons.				Rates of duty.			Issues in sers (1 ser = 2 lbs. of 40 tolas each) from Government Treasuries (or in districts where the supply is not derived entirely from Treasuries, amount sold by retail).	Prices per ser (2 lbs. of 40 tolas each).					Amount sold by retail in sers (1 ser = 2 lbs. of 40 tolas each).			
At strength of	At strength of	At strength of	Equivalent of London Proof of the total of columns 12, 13 and 14.	Strength.	Per gallon.			Wholesale, that is, price at which Opium is sold from the Treasury.		Retail average price at which retail Vendors sell.			Bhang.	Ganja.	Other sorts.	REMARKS.
					Rs.	a. p.		Rs.	a.	Rs.	a.	p.				

IMPERIAL FORM No. 5.

Incidence of Consumption.

1	2	3	4	5	6	7	8	9	10	11	12	13	14
District.	Population.				Number of Persons per retail shop for sale of				Gross Excise Receipts per ten thousand of total population to nearest Rupee.			Net Excise Revenue from all sources per ten thousand of total population, *see* column 30 of Form 1.	Remarks.
					Liquors.		Drugs.						
	Hindus.	Musalmans.	Others.	Total.	Country spirits, column 18 of Form 3.	Country fermented liquors, column 23 of Form 3.	Opium and its preparations, column 26 of Form 3.	Other Drugs, column 28 of Form 3.	From spirits and fermented liquors, total of columns 2, 6 and 14 of Form 1.	From Opium and its preparations, column 19 of Form 1.	From Drugs other than Opium, column 22 of Form 1.		
Bombay													
Ahmedabad ...													
Kaira													
Panch Mahals ...													
Broach													
Surat													
Thána													
Násik													
Khándesh													
Ahmednagar ...													
Poona													
Sátára													
Sholápur													
Bijápur													
Belgaum													
Dhárwár													
Kánara													
Ratnágiri													
Kolába													
Total ...													

4. In the Ábkári Administration Reports, information concerning the number of licensed liquor shops in each district should be given in a summarized form, with explanations of any serious increase or decrease. (S. of S. No. 22 (Rev.), dated 16th November 1882; *vide* G. R. No. 9037, dated 23rd December 1882.)*

5. The printing of the separate reports for each district appended to the Commissioner's Ábkári Administration Report involves unnecessary expense besides delay. In future, therefore, only the reports of the Commissioners, which should and usually do state all the material facts, should be printed. (G. R. No. 2573, dated 25th March 1884.)

6. In the A'bkári Administration Reports the Commissioner should include tables of issue for consumption in a *general* form. (G. R. No. 3426, dated 28th May 1888.)

7. The details of any action taken during the year in respect of the introduction of a system of modified local option in excise affairs should be introduced into the Annual Excise Administration Reports. (G. I., F. & C., No. 6570, dated 31st December 1889; *vide* G. R. No. 878, dated 3rd February 1890.)

8. Any marked increase in the number of licensed shops for retail sale of liquors or drugs should be clearly explained in the Annual Excise Administration Reports. (G. I., F. & C., No. 1572, dated 15th April 1891; *vide* G. R. No. 2967, dated 30th idem.)

9. The lumping together of licenses for toddy shops and tree-foot booths, and the exclusion from the table of hawking licenses and of licenses to tap trees for the extraction of toddy to be used for domestic consumption (which in some districts have taken the place of the tree-foot booth licenses granted in former years) is apt to give rise to misapprehension regarding the sufficiency of the arrangements made for the supply of raw toddy. In future A'bkári Administration Reports regarding the statistics of each of the abovementioned sources of supply should be included in the tabular statement. Information should also be given regarding the quantities and kinds of imported wines and spirit sold at the shops licensed for the sale of that class of spirit. Precise information should also be given regarding the causes of fluctuations in the country spirit and toddy consumption of the various localities and of the measures taken to remedy defects observed. It is very necessary that Collectors and the Commissioner of A'bkári should carefully watch the progress of consumption and the working of all arrangements in operation in their charges from month to month, and that they should institute prompt inquiry into all doubtful circumstances that may come under their notice and take timely measures for remedying defects. (G. R. No 3703, dated 1st June 1891.)

10. The system of A'bkári Administration throughout the Presidency has now become well established, and it is no longer necessary that the operations of

* *Vide* also Orders Nos. 5 and 6, Sub-head II, under the Head "Opium."

the Department should be described in full detail in each year's administration report. All changes of any importance in each district and its condition as regards offences against the ábkári laws should be noticed; fluctuations in consumption and increases and decreases in the number of shops licensed for the sale of liquor of each kind should be reported and explained; and the broad results of the year's administration should be clearly stated and reviewed. But the mass of detail hitherto usually given in these reports will bear considerable curtailment. (G. R. No. 5741, dated 13th July 1892.)

11. The consumption of each of the different kinds of intoxicating drugs should be shown in the A'bkári Administration Reports. (G. I., F. & C., No. Ex.-3228, dated 4th August 1892; *vide* G. R. No. 6748, dated 22nd idem.)

12. In the A'bkári Administration Reports, the quantity of bháng consumed should be distinguished from gánja. (G. R. No. 5668, dated 5th August 1893.)

13. The Collector of Salt Revenue, Bombay, should submit monthly reports to Government showing the quantity of country liquor exported each month to Bombay from the distilleries at Uran as compared with the quantity removed during the corresponding period of the preceding year, and the collections for the same periods on account of still-head duty. (G. R. No. 1264, dated 1st March 1875.)

14. The Accountant General should submit every year, for transmission to the Government of India for incorporation in Part III of the Series of Financial and Miscellaneous Statistics, a statement* in the following form showing the excise receipts and charges in the Bombay Presidency:—

Details of Receipts and Charges under Excise in Bombay.

Bombay	Bombay Presidency including the Island of Bombay.	Town and Island of Bombay only.
	£	£
Receipts from duty on Spirits†—		
English		
Country		
Total ...		
Drugs other than Opium—		
Gánja		
Others		
Total ...		
Opium (Excise)—		
Total Gross Receipts ...		
Do. exclusive of Opium .		
Charges—		
Cost of Opium		
Other Charges		
Total ...		

* The date for the submission of this statement to the Government of India is 31st August. (G. I., F. & C., No. 29 S., dated 22nd January 1894; *vide* G. R. No. 1032, dated 9th February 1894.)

† The receipts from the duty on beer should be exhibited separately from spirits. (G. I., F. & C., No. 4174 S., dated 15th October 1894; *vide* G. R. No. 9290, dated 13th November 1894.)

Bombay.	Bombay Presidency including the Island of Bombay.	Town and Island of Bombay only.
	£	£
Net Receipts from other than Opium	.....	.....
Do. from Opium	.....	.....
Total Net Receipts ...	.....	.....

(G. I., F. D., Nos. 3906, dated 9th October 1875, 2428, dated 28th June 1878, and 255, dated 18th January 1888; *vide* G. Rs. Nos. 3371, dated 4th July 1878, and 820, dated 6th February 1888.)

15. The statistical return of excise receipts and charges annually furnished for incorporation in the Finance and Revenue Accounts, Part III, should be prepared in accordance with the terms of the Resolution of the Government of India in the Department of Finance and Commerce, No. 1142, dated 17th March 1892, regarding interprovincial adjustments, which are forbidden from 1st April 1892. (G. I., F. & C., No. 151 S., dated 19th September 1893; *vide* G. M. No. 6968, dated 27th idem.)

16. It is expedient that the revenue from the excise duty on beer brewed in India, levied under Acts I of 1886 (Madras), V of 1878 (Bombay), and the Excise (Malt Liquor) Act XIII of 1890, should be separately shown in the statistics relating to excise, instead of being included under spirits Arrangements should accordingly be made for the separate exhibition of the receipts from the duty on beer in the Provincial Excise Tables furnished to the Finance and Commerce Department and published in the Financial and Commercial Statistics for British India. This will necessitate a corresponding reduction in the receipts under "Spirits, country". (G. I., F. & C., No. Statis.-5174, dated 15th October 1894; *vide* G. R. No. 9290, dated 13th November 1894).

17. The Commissioner of A'bkári and the Commissioner in Sind should submit statements, in the following form, of breweries in operation in the Bombay Presidency during the year, for transmission to the Government of India within one fortnight after the close of each calendar year:—

Statement of Breweries in operation in the———during the year———.

Serial Number.	Name of town or station at which located.	Year in which established.	Estimated outturn in gallons of ale, porter and beer during the past 12 months.	REMARKS.

(G. R. No. 4916, dated 25th September 1878, and G. M. No. 5077, dated 4th October 1878.)

18. The Commissioner in Sind should submit by, or as soon as possible after, the 15th of August in each year, to Government in the General Department a summary of his annual Excise Report for incorporation in Chapter V, Part II of the General Administration Report. This summary should contain a brief account of the excise operations of the year taken as a whole, and should not exceed in length any more than a page of printed matter at the outside. The materials furnished in paragraph 18 of the Collectors' and Deputy Collectors' Annual Administration Reports are altogether insufficient to enable the compiler to prepare from them a comprehensive account of the year's operations taken as a whole. A clear summary of the leading facts pertaining to the year, similar to that furnished by the Commissioner of Customs, Salt, Opium and Abkári for the Presidency Proper, is what is required, and in framing it the lines on which the Excise Administration Report for Sind is written should generally be observed. (G. R. No. 2455, dated 11th May 1889.)

II.—GENERAL PRINCIPLES AND POLICY.

1. The retail by Government officers of any sort of fermented liquor, spirit or drug is disapproved. Government has nothing to do with the trade in fermented liquors, spirits or drugs, and it is important that nothing should be done which might compromise this essential principle. The officers of the Government should interfere in the trade just so far as is necessary to enforce the taxation imposed upon it by law, and no further. If in any place the trade cannot be carried on consistently with the just demands of the State, it must cease, though it will probably always be found that the difficulty arises from the absence of proper fiscal arrangements. It would, however, be better that the excise revenue in any such place should be sacrificed, than that the officers of the Government should assume functions calculated to expose the policy of the State to misunderstanding. (G. I., F. D., No. 3125, dated 19th May 1874; *vide* G. R. No. 2813, dated 3rd June 1874.)

2. Government has frequently enjoined on Collectors the necessity of doing all they can to discourage the extension of drinking; but it is always to be borne in mind that it is the greatest possible mistake to allow smuggling. When people have a taste for liquor they will certainly obtain it, and if there be insufficient shops they will smuggle. The evil effects of this are two-fold. It renders inefficient the restrictions which Government desire to place upon the excessive consumption of liquor, and it injures the revenue. (G. R. No. 6092, dated 27th October 1875.)

3. The Governor in Council can only reiterate the principle that has been so often expressed by Government that Government do not desire to make any revenue from ábkári, but where there is a population habituated to the use of spirits, it may

be assumed that they will find means to gratify their tastes, and if they cannot procure spirits on tolerably easy terms, they will smuggle. The Collector, therefore, in issuing licenses should be guided by this principle. Where there is already a demand for spirits, the Collector should take measures to supply it and to receive such revenue from it as may reasonably be expected, but he should carefully avoid encouraging the consumption of liquor by making it very easy to obtain or very cheap. (G. R. No. 2838, dated 30th May 1879.)

4. It should be fully understood that a low rate of duty on spirits should never be maintained for the purpose of stimulating consumption. Facility of obtaining intoxicating liquor, no doubt, aids in increasing consumption, but if a real demand in any locality is not met by a supply of taxed liquor, illicit distillation will be encouraged. The matter is not one regarding which any hard-and-fast rule can be laid down, but Government has no hesitation in leaving it to the Collectors, acting under the advice and control of the Commissioner of Customs, Salt, Opium and A'bkári, who may safely be trusted to exercise an intelligent discretion. (G. R. No. 7060, dated 22nd September 1883.)

5. The main features of the policy of Government in respect to the ábkári management are—

(*a*) to equalize the duty on mhowra and toddy spirit;

(*b*) to enhance this duty gradually so as to assimilate it with the rates of duty on imported liquor; and

(*c*) to secure to consumers a supply of raw toddy at low prices.

(G. R. No. 3898, dated 28th June 1887).

6. In controlling and directing the Indian Excise Administration the Supreme and Local Governments are following and have followed the principle that as high a tax as possible should be placed on spirits without giving rise to illicit distillation. In the interests of the Indian people, as well as in the interests of the Indian Treasury, the excise systems of India must always be based upon the considerations:—

(1) that extension of the habit of drinking among Indian populations is to be discouraged;

(2) that the tax on spirits and liquors should be as high as may be possible without giving rise to illicit methods of making and selling liquor.

Subject to the above considerations, as large a revenue as possible should be raised from a small consumption of intoxicating liquors. (S. of S. No. 28 Rev., dated 19th April 1888; *vide* G. R. No. 6122, dated 11th September 1888.)

7. There occur passages in periodical reports which read as if the increase of the excise revenue was the paramount object of good administration. Revenue officers are naturally apt to give prominence in their reports to increased revenue, taking for granted that the authorities to whom the reports

are addressed will know that the increase has been obtained by successful administration on the principles insisted on by the Secretary of State. It is obvious that a revenue officer has cause for congratulation if he can point to increasing revenue with the consciousness that he has made the consumers of intoxicating drinks pay more dearly than they did before. The moral obligation of taking as high a tax as possible on all liquor consumed, while repressing illicit consumption, is accepted by him as a settled principle; and naturally he finds no occasion to embody in a report of the year's administration what he and everybody who has to deal officially with his report look upon as beyond the possibility of being seriously challenged. But as these reports are sometimes used as basis for attacks on the administration, the Government of India share the Secretary of State's opinion that at the risk of tedious repetition, and of placing well-understood doctrine on record year after year, administrative officers and Local Governments should be careful to employ language which cannot give colour to the idea that the object of the Excise Department is to increase revenue at the sacrifice of social considerations. (G. I., F. & C., No. 213, dated 11th August 1888; *vide* G. R. No. 6132, dated 11th September 1888.)

8. The principles on which Her Majesty's Secretary of State for India has more than once requested that the excise administration in India should be based, are :—

(1) that any extension of the habit of drinking among Indian populations is to be discouraged;

(2) that the tax on spirits should be as high as may be possible without giving rise to illicit methods of making and selling liquor;

(3) that, subject to these considerations, a maximum revenue should be raised from a minimum consumption of intoxicating liquors.

The Government of India desire again to place on record their concurrence in these principles on which the instructions regarding excise administration issued by the Government of India in the past have been founded. The Governor General in Council is aware that Local Governments and Administrations have also accepted these principles, and have endeavoured to give practical effect to them although the varying circumstances of different localities have prevented the adoption of uniformity in their application.

In order to ensure that the wishes of Her Majesty's Secretary of State, of the Government of India and of the Local Government in this respect are carried into effect, all officers who are engaged in the excise administration should be again instructed that these are the principles on which the Department should be administered, and that they must be the foundation of any proposals for the modification and improvement of the existing systems. The Government of India trust that the Local Governments will

also recognize the necessity of increased vigilance in watching the practice of their executive officers, and of introducing from time to time such reforms of the excise system as experience may show to be practicable. (G. I., F. & C., No. 3390, dated 3rd July 1889; *vide* G. R. No. 5179, dated 19th idem.)

9. The Secretary of State for India fully accepts the general principles stated in the following paragraph of the letter from the Government of India, No. 29, dated 4th February 1890, as those which should guide the Local Governments and their revenue officers in administering excise affairs, and considers that, save under very exceptional circumstances and in strictly limited areas the central distillery system of excise management should be preferred to the farming system or the outstill system. The former system provides that all licit spirit shall pay a still-head duty per gallon proportionate to its alcoholic strength, whereas the other two systems permit, if they do not stimulate, the production and sale of large quantities of comparatively cheap spirit, even when effort is made to limit the capacity of stills, and to prescribe a minimum retail price:—

"103. Looking to all the conditions of the very difficult problem with which we have to deal, we have after careful consideration arrived at the conclusion that the only general principles which it is expedient or even safe to adopt are the following:—

(1) that the taxation of spirits and intoxicating liquors and drugs should be high and in some cases as high as it is possible to enforce;

(2) that the traffic in liquor and drugs should be conducted under suitable regulations for police purposes;

(3) that the number of places at which liquor or drugs can be purchased should be strictly limited with regard to the circumstances of each locality; and

(4) that efforts should be made to ascertain the existence of local public sentiment and that a reasonable amount of deference should be paid to such opinion when ascertained.

These are the principles which have been laid down for the guidance of local authorities by the Government of India in the past, with the single exception that the arrangements for ascertaining public sentiment were imperfect and not authoritatively imposed."

(S. of S. No. 25 Rev., dated 27th March 1890; *vide* G. R. No. 3403, dated 16th May 1890.)

10. The evils of the outstill system can be greatly mitigated by—

(*a*) the careful limitation of the number of licensed liquor shops;

(*b*) the restriction placed on the capacity and working of licensed stills;

(*c*) the enforcement of a minimum price below which liquor must not be sold.

The past history of excise administration in Bengal, the North-West Provinces, and the Central Provinces affords ground for the opinion that the outstill system was introduced or re-introduced into parts of those provinces because the central distillery system had, as then worked, promoted the

illicit manufacture and consumption of liquor. But the experience of Madras and Bombay, where much attention has been successfully given to excise matters, shows that the central distillery can be worked so as to keep down consumption and at the same time to enhance the revenue from and the price of liquor. (S. of S. No. 38 (Rev.), dated 28th March 1889; *vide* G. R. No. 3666, dated 18th May 1889).

III.—Duties and Powers of Officers.

1. The control in all ábkári matters in the Presidency Proper is vested in the Commissioner of Customs, Opium and Ábkári* and in such matters the Collectors are under the orders of the Commissioner of Customs, Opium and Ábkári, and not of the Commissioners of Divisions, who no longer possess or are authorized to exercise any powers in those matters, and Government will not sanction any interference on the part of Commissioners of Divisions with the authority in respect of all questions relating to ábkári and opium conferred upon the Commissioner of Customs, Opium and A'bkári. (G. R. No. 2703, dated 26th April 1882.)

2. The Collectors are under the Commissioner of A'bkári in regard to all ábkári matters and communicate with Government through him. (G. R. No. 5212, dated 4th August 1882.)

3. The Commissioner of Customs, Salt, Opium and A'bkári does not exercise any control, executive or account, over Collectors in the matter of tree-tax collections. The accounts do not pass through his office. The whole business is that of the Collector's regular establishment and is under the control of the Collector, the Divisional Commissioner and the Accountant General, and the Commissioner of Customs, Salt, Opium and A'bkári should not interfere except by way of advice. The monthly returns for showing the progress of ábkári revenue and operations in each district submitted by the Collectors to the Commissioner of Customs, Salt, Opium and A'bkári are prepared by the Huzúr Deputy Collectors and are furnished to the Commissioner of Customs, Salt, Opium and A'bkári for statistical and administrative purposes, to show him the progress of tree-tapping, consumption of liquor and revenue realization in each district. He should call the attention of the Huzúr Deputy Collector, or Collector, to any abnormal

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* By Government Notification, Political Department, No. 7480, dated 18th December 1886, the Political Resident, Aden, has been appointed to be a Commissioner for the purposes of the Bombay A'bkári Act in the Island of Perim; and by Government Notification No. 7481 of the same date the Assistant Political Resident, Perim, has been appointed to exercise in the Island of Perim all the powers and perform all the duties conferred and imposed by the A'bkári Act on a Collector.

Government Resolution, Political Department, No. 7465, dated 11th November 1889, instructed the Political Agent to enforce such of the provisions of the A'bkári and Opium Acts and Rules as could be enforced without hardship in a somewhat primitive state of society.

outstanding balances observable, and ask the reason why they are outstanding, in connexion with possible undue pressure of rate of taxation or other administrative arrangements. He has neither responsibility nor control in the matter of collections made by the Collector's revenue establishments. (G. R. No. 382, dated 16th January 1891.)

4. The duty of selecting the holders of ábkári farms from amongst the candidates who are willing to take them on the terms specified, is entrusted by Government to the Commissioner of Customs, Salt, Opium and A'bkári. (G. R. No. 4229, dated 16th June 1890.)

5. Officers entrusted with the disposal of liquor contracts will be held liable for the loss sustained by Government in consequence of their proceedings. (G. R. No. 1642, dated 24th April 1862.)

6. It is not considered desirable that the Military authorities in cantonments should be entrusted with the administration of the A'bkari Department within cantonment limits. In respect, however, of such matters as the location of shops and any increase or decrease in the number of spirit shops in a cantonment, the Collector acting under the Commissioner of Customs, Salt, Opium and A'bkári should consult the Cantonment Committee or Magistrate. If the views of the Collector and the Cantonment Committee do not agree, the question can be referred to Government for decision. (G. R. No. 7347, dated 10th September 1885.)

7. Government desire that Assistant and Deputy Collectors should take an active interest in the work of the Ábkári Department in the tálukas under their charge, keeping themselves informed of the work done by the Inspectors or their subordinate establishment. (G. R. No. 1600, dated 8th March 1888.)

8. More general interest in ábkári matters on the part of the Assistant and Deputy Collectors in charge of sub-divisions, is much to be desired. There is no branch of the administration which has a stronger claim on the interest and assistance of the District and Police officers than ábkári, not less in view of its fiscal importance, which is great, than of its intimate connection with the moral and material welfare of the people. (G. R. No. 4521, dated 23rd June 1893.)

9. The Commissioner of Ábkári may delegate to Collectors, under Sections 6 and 8 of the A'bkári Act, authority to assign such duties as they may think fit under the Act to the officers of the A'bkári Department. (G. R. No. 4422, dated 23rd August 1879.)

10. Collectors are authorized to sanction refunds of over-collections made and credited to "Excise" to the extent of Rs. 100 in each case. (G. R. No

11. The 2nd paragraph of Section 6 of the A'bkári Act, 1878, provides that Government, or subject to such orders as may from time to time be passed by Government in that behalf, the Commissioner may invest any Government officer or *any other person* with such powers and impose upon him such duties under this Act as he may deem fit. There is no objection, therefore, to the investiture of Municipal officers who are not Government officers with powers under Section 37, and, by consequence, with authority to exercise powers under Section 15 of the Opium Act, 1878. (L. R. No. 620, dated 25th May 1881; *vide* G. R. No. 3156, dated 2nd June 1881.)

12. The latter part of paragraph 2, Section 6, of the A'bkári Act renders it obligatory on Government officers to exercise any powers and discharge any duties conferred or imposed upon them under the Act, and they are punishable by the Commissioner under Section 7 for neglect of their duty or carelessness, &c., but neither of these provisions applies to "other persons" upon whom such powers are conferred or such duties imposed. Municipal executive officers may therefore, it seems, ignore with impunity Government Notification No. 6700,* dated 27th September 1882 (which invests them with powers under Section 37 of the A'bkári Act, 1878, in addition to the powers and duties incident to their respective principal offices), and it is unnecessary to alter it in order to relieve them of responsibility. (L. R. No. 161, dated 6th February 1883; *vide* G. R. No. 1557, dated 24th idem.)

13. The Commissioner of Customs, Opium and A'bkári is authorized under Section 6, clause 2, of the A'bkári Act to appoint such employés of liquor farmers as he deems necessary to be ábkári officers. (G. R. No. 2805, dated 28th April 1882.)

14. It is inexpedient to invest with power under Section 36 of the A'bkári Act private persons in the employ of an ábkári contractor. (G. R. No. 782, dated 29th January 1883.)

15. No doubt Collectors, as defined by the A'bkári Act, are the only persons who can exercise power under Section 55, in virtue of their office, but, 'subject to such orders as may from time to time be passed by Government,' the Commissioner has power, under paragraph 2 of Section 6 to confer any power or impose any duty under the Act upon any Government officer in any department. No power or duty is excepted from this authority, and it is competent to the Commissioner under it to confer the power of a Collector under Section 55 on any Government officer. (L. R. No. 384, dated 10th March 1884; *vide* G. R. No. 2586, dated 25th idem.)

16. In exercise of the powers conferred by Section 6 of the Bombay A'bkári Act, 1878, His Ex-

* *Vide* page 430 of the Compilation of General Rules.

cellency the Governor in Council is pleased to confer on the Chief of Vinchur the power (to the extent exercised by an Assistant Collector under Government Notification* No. 5266, dated 1st October 1879) of granting permits under Section 13 of the said Act for the transport or removal of liquor or intoxicating drugs from and to places within his territory. (G. N. No. 6689, dated 15th December 1879.)

17. Under Section 6, clause 2, of the Bombay A'bkári Act, 1878, His Excellency the Governor in Council is pleased to invest the Thándár of the Pandu Mewás under the Rewa Kántha Agency with powers under Section 13 of the said Act. (G. N. No. 776, dated 2nd February 1888.)

18. In exercise of the power conferred by Section 6 of the Bombay A'bkári Act, 1878, and in continuation of the Government Notification No. 5266,* dated 1st October 1879, published in the *Bombay Government Gazette* for 1879, Part I, page 816, the Governor in Council is pleased to invest the following officer with the power, to the extent hereinafter mentioned, of issuing permits under Section 13 of the said Act for the transport or removal of country liquor or intoxicating drugs from any place within the limits of his local jurisdiction :—

	Quantities for which permits may be given.		Places for transport or removal to which permits may be given.
	Country liquor.	Intoxicating drugs.	
The Magistrate for the time being stationed at Bándra in the Thána District.	Not exceeding 500 gallons.	Not exceeding 2 Indian maunds.	Any place in the same District.

(G. N. No. 6133 A, dated 8th September 1891; *vide* G. R. No. 6133 of the same date.)

19. In exercise of the power conferred by Section 6 of the Bombay A'bkári Act, 1878, Government are pleased to invest the agent of the country spirit farmer of the Surat District, in charge of the country spirit depôt in Surat City, with the power of issuing permits under Section 13 of the said Act for the transport or removal of the country liquor in quantities not exceeding 20 gallons from the said depôt to the liquor shops in Surat City. (G. N. No. 8613, dated 2nd November 1892.)

20. In exercise of the power conferred by Section 6 of the Bombay Abkári Act, 1878, and in continuation of the Government Notification † No. 4087, dated 5th August 1879, published in the *Bombay Government Gazette* for 1879, Part I, page 678, the Governor in Council is pleased to invest the following officer with the power, to the extent hereinafter

* Printed at page 430 of the Compilation of General Rules.

† Printed at pages 430—431 of the Compliation of General Rules.

mentioned, of giving special orders under paragraph 2 of Section 17 of the said Act, within the limits of his local jurisdication for the occasional sale of country liquor or intoxicating drugs in excess of such limit, as shall from time to time be prescribed by Government under paragraph 1 of the said section :—

	Quantities of which special orders may be given.	
	Country liquor.	Intoxicating drugs.
The Magistrate for the time being stationed at Bándra in the Thána District.	Not exceeding 20 gallons.	Not exceeding 250 tolas.

(G. N. No. 6133, dated 8th September 1891.)

21. In exercise of the power conferred by paragraph 2, Section 6, of the Bombay Ábkari Act, 1878, the Governor in Council is pleased to invest the following officers with power to make requisitions, within the limits of their respective charges, under Section 33 (*b*) of the said Act, *viz.* :—

(1) Every Assistant and Deputy Collector in charge of a Huzúr station or sub-division of a district;

(2) Every Mámlatdár, Mahálkari and Aval-kárkun having magisterial powers and every City Magistrate;

(3) Every Superintendent, Assistant Superintendent, Inspector and Chief Constable of Police and

(4) Every A'bkári Inspector and Sub-Inspector.

(G. N. No. 8827, dated 22nd December 1891.)

22. In exercise of the power conferred by Section 6 of the Bombay A'bkári Act, 1878, the Governor in Council is pleased to empower, within the limits of the Town and Island of Bombay, Gaugers and Clerks of the A'bkári Department employed within the said limits when performing the duties of Inspectors or Sub-Inspectors under the orders of the Collector of Land Revenue, Customs and Opium, Bombay :—

(*a*) to make the requisitions referred to in Section 33 (*b*) and

(*b*) to exercise all the powers conferrable under Sections 36 and 37 of the said Act.

(G. N. No. 3569, dated 16th May 1893.)

23. The Governor in Council is pleased to invest the following officers with powers under Section 36 of the Bombay A'bkári Act of 1878 :—

(1) Special Salt Inspector in Sind.

(2) Salt and Assistant Salt Inspectors from time to time posted for patrol duty on the Khairpur, Buhawalpur and Khelat Frontiers.

(G. N. No. 2850, dated 25th April 1891.)

24. In exercise of the powers conferred by Section 6 of the Bombay A'bkári Act, 1878, the Governor in Council is pleased to invest all Head Constables of Police specially appointed for the protection of the ábkári and opium revenue in the Presidency of Bombay, including Sind, with powers under Section 36 of the Bombay A'bkári Act, 1878. (G. N. No. 9579, dated 7th December 1892.)

25. Forest officers are invested with the following powers under the A'bkári Act:—

Conservators Deputy and Assistant and Extra Assistant Conservators Forest Rangers... ... Foresters	With the powers under Sections 36 and 37.
Forest Guards	With the powers under Section 37.

(G. Rs. Nos. 4510, dated 27th August 1879, and 9355, dated 29th November 1892.)

26. In exercise of the power conferred by paragraph 2 of Section 6 of the Bombay A'bkári Act, 1878, the Governor General in Council is pleased to invest all Inspectors and Sub-Inspectors of the Opium Department in the Town and Island of Bombay with powers under Sections 36 and 37, and also to invest the peons of the A'bkári and Opium Departments in the same town and island with powers under Section 37 of the said Act. (G. N. No. 6690, dated 29th September 1891.)

IV.—ESTABLISHMENTS.

1. It is sufficient to report to the Government of India changes made in the petty establishments of the A'bkári Department in quarterly statements. (G. I., F. & C., No. 5767, dated 31st October 1887; *vide* G. R. No. 7860, dated 17th November 1887.)*

2. The Commissioner of A'bkári should refrain from employing establishments before obtaining the sanction of Government to their entertainment. (G. R. No. 4464, dated 6th July 1888.)

3. The duties of the Daroga, at the Sadar Distilleries in the Northern Division are—

1. To watch and regulate the manufacture of spirits at the distillery, keep an account of their quantity and strength, and see that none is removed contrary to rule.

2. To supervise the custody and due issue of mhowra, and keep the keys of the warehouses wherever situated.

3. To collect the still-head duty at the distillery and license fees from the retail vendors.

4. To prepare and be the channel of issue of the vendors' licenses, and report on all changes of locality, entry of fresh names on death, appointment of gumastas, &c.

5. To supervise all license shops within the radius of six miles of the distillery, examine their

* *Vide* Order No. 1, Sub-head III, under the Head "Salt".

accounts periodically, and see generally that the conditions of license are fulfilled.

6. To control and keep efficient establishment for the prevention of smuggling, illicit sale, and illicit exportation, and generally to see all provisions of the liquor laws enforced within the circle.

(G. R. No. 2797, dated 15th May 1875.)

4. The Local Government is authorized to sanction the payment of extra remuneration to the establishments employed at the distilleries in the Bombay Presidency for supervising the distillation of spirit beyond office hours, on the condition that the extra remuneration paid to the establishments will be recovered from the liquor farmers concerned. (G. I., F. & C., No. 3964, dated 10th November 1885—*vide* G. R. No. 9608, dated 28th idem.)

5. The following rules have been laid down for the guidance of Collectors in the matter of regulating the payment of extra remuneration to distillery establishments for supervising the distillation of spirit on Sundays and holidays or beyond office hours:—

1. The Collector may, on the application of the farmer, allow the manufacture of spirit to be carried on in a distillery, for a specified period, on Sundays and holidays, and after sunset and before sunrise on working days, subject to the following conditions:

(1) That the distillery shall not be worked continuously for a period *exceeding* 144 hours, and there shall be an interval of complete cessation of work for 24 hours after every 144 hours of continuous work.

(2) That the farmer shall make suitable arrangements, to be approved by the Collector, for lighting the distillery while being worked at night time.

(3) That the farmer shall undertake to pay through the Collector extra remuneration to the distillery establishment in accordance with the following scale:—

For extra night work.

For attendance after sunset till any hour up to midnight.	One-fortieth of the monthly pay of each member of the distillery establishment in attendance.
For attendance after midnight till any hour up to sunrise.	Ditto

For day attendance on Sundays and holidays.

For attendance after sunrise till any hour up to noon.	One-fortieth of the monthly pay of each member of the distillery establishment in attendance.
For attendance after noon till any hour up to sunset.	Ditto

No extra remuneration shall be payable to the men of the distillery guard.

For the purpose of these rules, the following shall be reckoned as holiday:—

If the Inspector in charge of the distillery is a—

Christian.

1 New Year's Day.
1 Good Friday.
1 Ascension Day.
1 Pentecost.
2 Christmas Day and preceding day.

6

Jew.

1 Pesách.
1 Tishabiáb.
1 Rósh Hoshána.
1 Kippur.
2 Sakoth.

6

Parsi.

1 Jamshedi Navroz.
2 Gátha Ghambár and Peteti.
1 Navroz or New Year's Day.
1 Khurdád Feast.
1 Átash Behram Shalgiri.

6

Mahomedan.

1 Shabeberát.
2 Ramzán.
1 Bakri Id.
1 Ashura.
1 Lailatul Kadra.

6

Hindu.

1 Sankrant.
2 Shimga.
1 Dasra.
2 Divali.

6

(G. Rs. Nos. 6882, dated 29th September 1886, and 5763, dated 22nd August 1891.)

6. It is not desirable that persons serving as A'bkári Inspectors should be Government nominees on Táluka Local Boards, as it is probably expedient that these officers should devote their entire time and attention to their own proper duties. (G. R. No. 1957, dated 7th March 1885.)

7. A'bkári Inspectors should not be subordinate to Mámlatdárs in matters of excise administration. (G. R. No. 1600, dated 8th March 1888.)

8. The A'bkári Inspectors and Sub-Inspectors should be placed in charge of ranges corresponding to the divisional charge of the Assistant or Deputy Collector, care being taken that the A'bkári officers are not under more than one superior Land Revenue officer. They are to submit their diaries and other reports to the Collector through the Divisional Officer, who is to closely scrutinize and test them and to bring to notice breaches of law and rules or any irregularities or carelessness, and to aid and advise the A'bkári officers as occasion may require. Mere account papers will go to the Huzúr Deputy Collector direct. Quarterly reports on the character and qualifications of the A'bkári subordinates are to be submitted by the Assistant and Deputy Collectors, and these latter are to consider themselves equally responsible with reference to all ábkári matters in their charges as in Land Revenue affairs, while they should also from time to time visit the various liquor shops for purposes of inspection. (G. R. No. 8059, dated 23rd October 1889.)

9. For the examination of A'bkári Inspectors and Sub-Inspectors printed papers should be issued as in the Revenue and Registration Departments, with separate answer sheets. The questions and answers should be prepared by the Commissioner of A'bkári, the assessment of the marks to be assigned to the replies given by the candidates being left to the local committees. Inspectors should be required to obtain at least 50 per cent. in each paper and 60 per cent. of the total marks, and Sub-Inspectors 40 per cent. in each paper and 50 per cent. of the whole, to be regarded as having passed the examination. (G. R. No. 7978, dated 21st October 1889.)

10. Native officers employed in the A'bkári Department in the Bombay Presidency receiving salaries of Rs. 150 and upwards should be officially addressed as "Ráo Sáheb" or "Khán Sáheb". (G. I., For. Dept., No. 2383—I, dated 18th July 1885; *vide* G. R. No. 6225, dated 31st idem.)

11. As it is necessary that officers newly appointed to the A'bkári Department should be able to test and gauge liquor before they enter upon their duties, they may be posted, upon their first appointment, to one or the other of the distilleries in Bombay or the Mofussil according as the system of accounts, &c., to be studied is in accord with that obtaining in the districts to which they may have been appointed. The maximum period for the duration of the course of training should be fifteen days. (G. R. No. 4890, dated 15th July 1890.)

12. The distinction between the "Ábkári Police" and the "Extra Police," under which heads the A'bkári Preventive Establishment was classed, is abolished. The A'bkári Police should be enrolled under the Bombay District Police Act, being made subject to the same deductions for pension and clothing as the Extra Police and other men of the regular District Police. The pay of the whole force should be debited, and the whole of the contributions received from the ábkári contractors towards the cost of these establishments should be credited to the "Police."

All members of the A'bkári Preventive Establishments are admitted to the special Police Pension Rules. (G. I., F. & C., No. 754, dated 9th May 1885; *vide* G. R. No. 4519, dated 5th June 1885; also G. Rs. Nos. 8083, dated 5th October 1885, and 655, dated 26th January 1886.)

13. The Police employed on ábkári duties should remain subordinate to the Superintendent of Police in matters of discipline, pay, promotion, leave, and the like, but they should receive their pay through the Inspectors under whom they may be serving, and they should submit all their applications for leave, &c., through the same officers. The Inspectors should correspond directly with the Superintendent of Police about the conduct, pay, leave, &c., of the policemen serving under them.

In all matters relating to Police, the Inspectors will be subject to the orders and control of the Superintendent of Police. It is important that the policemen deputed on ábkári duty under the A'bkári Inspectors, should be made to understand that they are to serve under the immediate orders of the A'bkári Inspectors and not under the orders of the Táluka Police Officers. The Superintendent of Police should also arrange for the periodical relief of Constables and Head Constables employed on ábkári duties, and to consider favourably recommendations made by the Inspectors for the transfer of policemen whom they may find not well suited for ábkári work. The Inspectors should report policemen to the Superintendent of Police whenever they consider punishment called for. (G. R. No. 4519, dated 5th June 1885.)

14. In view of the unpopularity in the police force of employment on ábkári duties, the special grant of hutting money to such of the A'bkári Police as cannot be provided with free quarters in distilleries, Police lines or elsewhere, is advantageous, and His Excellency the Governor in Council is accordingly pleased to direct that hutting money should be granted to the men referred to in the correspondence disposed of by Government Resolution No. 1164, dated 16th February 1892, at the rate of 8 annas per per head mensem. The savárs employed on ábkári duty in the Khándesh District should be allowed hutting money at the rate of Re. 1 per mensem.

The ábkári peons at the Presidency Town, who are not provided with Government quarters, should be granted hutting money at the rate of Re. 1 per head per mensem.

It should be understood that the cost involved by the grant of hutting money should be gradually recovered, as licenses fall in and new contracts are made, from the farmers. The Commissioner of A'bkári should, therefore, take this charge into consideration in fixing the value of the farms. (G. Rs. Nos. 1164, dated 15th February 1892, 6792, dated 23rd August 1892, and 1890, dated 15th October 1892.)

15. The 35 orderlies and detectives employed on ábkári duty in the Khándesh District, who are not provided with Government quarters, should be granted hutting money at the rate of 8 annas per man per month. (G. R. No. 2785, dated 20th April 1893.)

16. As a contribution towards the cost of establishment and contingencies, a fee of 6 pies per gallon should be recovered from the Uran distillers on all liquor removed from each distillery. (G. R. No. 2184, dated 14th April 1881.)

17. The Commissioner of Customs, Salt, Opium, and A'bkári is authorized to fix from time to time the amount of contribution on account of establishment charges payable by ábkári farmers. (G. R. No. 1277, dated 18th February 1890.)

18. The Commissioner of Customs, Salt, Opium and A'bkári is authorized to sanction charges on account of temporary excise establishments, which are covered by contributions recoverable under contract. On occasions when farms have temporarily to be conducted departmentally, owing to the inability of the new farmer to begin his contract immediately on the expiry of the old farm, the Commissioner is also authorized to sanction the charges on account of the temporary establishment required to be employed, the expenditure being indirectly met from the collections. (G. R., F. D., No. 3922, dated 5th December 1884, and G. R. No. 2218, dated 26th March 1891.)

19. As regards the question of the status of the A'bkári establishments, the cost of which is partly or wholly recovered from farmers, the Governor in Council does not think it desirable as a matter of principle that any A'bkári establishments entertained by Government should be treated as *foreign*. Nothing should be done that may tend to make the employés feel that they are employed and paid by any one but Government. All the A'bkári establishments are employed primarily for the protection of Government revenue and they should, therefore, be viewed as entertained in the interests of Government, and should not be considered to be in foreign service, a lump sum out of the cost being payable by the contractors, and the establishment entertained by the A'bkári Commissioner under the authority of Government Resolution, Financial Department, No. 3922, dated 5th December 1884, being treated as temporary. (G. R. No. 4954, dated 13th June 1892).

V.—Import, Export and Transport.

1. The bringing into British territory of liquor from any Native State, whether within the territorial limits of the Bombay Pressidency or not, is import as defined in Section 3, clause 10, of the A'bkári Act, V of 1878, and such import is prohibited under Section 9 of the Act. Any relaxation of the law on this point is quite unnecessary, but as regards import of liquor from States with which Government have entered into agreements and taken over the rights of manufacture and sale of liquor, the Collector may permit the free import of liquor from such States. (G. R. No. 6661, dated 8th November 1881.)

2. By its notification of 11th January 1870, published in the *Bombay Government Gazette* for 1870, Part I, page 19, Government declared the Gáekwár's territories to be foreign territory for the purposes of Act XI of 1869. This Act has been repealed by the Indian Tariff Act, XI of 1882*, but under Section 2 (2) of the repealing Act the above notification must be deemed to have been issued under Section 5 of it. Consequently liquor imported into British India from Navsári, which is in the Gáekwár's territories, is liable to the payment of duty under the Indian Tariff Act, and if the pre-

* Repealed by Act VIII of 1894.

scribed duty has been paid thereon, clause (*a*) of Section 9 of the A'bkári Act applies, and no obstacle can legally be placed on its import. Clause (*b*) and clause (*c*) of Section 9 of the A'bkári Act do not appear to apply to liquor so imported. (L. R. No. 175, dated 23rd October 1891; *vide* G. R. No. 8056, dated 11th October 1892.)

3. Whenever duty is lawfully levied at a customs port on spirit imported from another port or brought in bond, that duty must be of the nature of customs duty and not excise. It was not intended that the Customs officer should collect the excise, but the object of the Legislature seems to be that one or other duty, customs or excise, but not both, should be levied.

Clause (*a*) of Section 9 of the A'bkári Act is intended to carry out this object by excepting from ábkári rates liquor or intoxicating drugs on which payment under the Indian Tariff Act or other law in force relating to the *duties of customs* on goods imported into British India, has been made.

In the same manner, in the Indian Opium Act, 1878, opium is exempted from excise duty on which duty of customs has been levied.

If the law were uniform throughout British India, no spirit would be removeable from a distillery until excise duty had been paid thereon or a bond for such duty executed. But while there is no provision of this kind in the Bombay A'bkári Act, 1878, there is in the Excise Act, 1881, at Section 7.

(L. R. No. 203, dated 11th February 1882; *vide* G. R. No. 1776, dated 15th March 1882.)

4. The ábkári law in force in this Presidency does not provide for the importation into the Presidency of spirits of Indian manufacture without payment of the excise duty: on the contrary the provisions of the law and the policy of the ábkári administration in the Presidency require the payment of the duty immediately on importation. (G. R. No. 4533, dated 15th June 1883.)

5. The importation into the Bombay Presidency of spirits and spirits of wine from the Rosa Distillery, Sháhjehánpur, is permitted under the following conditions:—The duty payable should be fixed at the Sea-Customs Tariff rate in force for the time being. Importation should be allowed only on permits granted by the Collector of Bombay and on prepayments of duty. The duty payable should be paid to the Collector of Bombay before the spirits or spirits of wine are removed from the Rosa Distillery. (G. Rs. Nos. 4423, dated 29th July 1881, and 5374, dated 16th September 1881.)

6. Spirits as well as porter and beer of Indian manufacture intended for the use of Departments of Government should be required to pay the usual duty in the first instance, and a refund granted on the quantity actually delivered on production of a certificate signed by the head of the department

for which the liquor is intended. (G. Rs. Nos. 8540, dated 6th December 1882, and 1079, dated 8th February 1883).

7. The provisions of Government Resolutions Nos. 4423, dated 29th July 1881, and 8540, dated 6th December 1882, are applicable to liquor manufactured at Sháhjehánpur as well as to that manufactured at other places and imported in fulfilment of a Government contract. Where the importations are by sea, a wastage and dryage allowance of 25 per cent. should be added to the scale sanctioned in Government Resolution No. 2895, dated 5th April 1884. These rules do not apply to liquor imported by sea under bond. Such importations should be treated in the ordinary way. (G. R. No. 503, dated 23rd January 1888).

8. Wastage may be allowed on Sháhjehánpur rum imported into Bombay for Government Departments according to the following scale. The wastage allowance fixed in the scale should be the maximum rate and be given only on the condition that there are no grounds for suspecting that there has been fraud.

Scale of store wastage (per cent. per annum).

Rum in vats	4	In vats containing over 3,000 gallons, 2 per cent. only should be allowed.
Rum in butts (or pipes) ...	10	
Rum hogsheads (or casks) ...	10	

Scale of wastage on consignments sent from one station to another (and not issued en route).

By road—	
Spirit	25 per cent. per annum.
By rail—	
Spirit	½ per cent. per 100 miles.

It was thought that the question of ullage and wastage would not arise in connection with consignments other than those for Government Departments until a bonded warehouse was established, but it is not intended that, if the question did arise, the allowance for wastage and ullage should be refused in the case of private consignments.

(G. I., F. & C., No. 1208, dated 29th February 1884; *vide* G. R. No. 2895, dated 5th April 1884. And G. I., F. & C., No. 2913, dated 2nd September 1886; *vide* G. R. No. 6587, dated 17th idem.)

9. Although there can be little doubt that country vinegar, which invariably contains more or less alcohol, is technically spirit under the definition in Section 3 (7) of the A'bkári Act, it is neither necessary nor expedient to adopt with respect to it the precautions observed in the case of liquors ordinarily used as beverages. The fact that toddy containing the same amount of alcohol is not dearer than vinegar, makes it improbable in the highest degree that any one would either import or purchase after importation vinegar with the object of distilling inferior spirit from it.

The risk of loss to the revenue from vinegar being drunk as an exhilarant is so remote and insignificant that it may be properly disregarded until evidence is forthcoming that the revenue actually suffers from the practice. At present there is no such evidence. On the other hand, it is highly undesirable to interfere unnecessarily with the trade in vinegar for legitimate uses.

For these reasons it is unnecessary to test consignments of vinegar imported into Bombay by sea or by rail for alcohol by the distillation process, and it is sufficient to examine them by test, smell and by watching the action of the liquid on an alkali. If it is established by these tests that the liquid is undoubtedly vinegar, it should be passed as such without further exceptional treatment under the A'bkári Act.

(G. R. No. 9127, dated 19th November 1892.)

10. Under Section 10 of Bombay Act V of 1878, the Collector of Ahmednagar can authorize the export of imported foreign liquor into the Nizám's territory. No fee or duty should be levied on liquor so exported. (G. R. No. 4628, dated 3rd September 1880.)

11. The words "import" and "export" in Bombay Act V of 1878 (as defined in Section 3 (10)) respectively apply only to the conveying into or out of any part of the Presidency of Bombay from or to any other part of India than the Presidency of Bombay.

Perim as well as Aden being a part of the Presidency of Bombay (*vide* Notification No. 430-E. of the Government of India, Foreign Department, dated 13th February 1884, and 10 B. I. L. R., 261) a conveying from the one to the other would be a "transport" under Section 12 of Bombay V of 1878, and not an import or export under Section 3 (10).

Section 9 of Bombay Act V of 1878 would not, therefore, apply to such "transport".

Section 43 of Act VIII of 1878 only applies to goods exported from one Customs Port to another and then re-exported to a Foreign Port. Aden is a Foreign Port; *vide* Section 3 of Act VIII of 1878 (*e*). Section 43 would not, therefore, apply to goods sent from Aden to Perim.

If a notification under Section 11 declaring Perim a port has been issued, then Section 20 and Section 42 might apply to Perim, but Section 43 would not apply to goods imported at Perim from Aden.

Under Section 12 of Bombay Act V of 1878 no permit may be necessary for the transport of foreign liquor *boná fide* for private consumption or licensed sale.

But under Section 35 of the same Act it is within the powers of the Commissioner to frame rules, if necessary, "for placing the transport of liquor under such supervision as may be deemed necessary for the purposes of the Act."

The Resident at Aden being himself the Commissioner, would be perfectly competent to issue a rule that all liquor received at Perim or Aden as transported from the one to the other, should be accompanied by a certificate to that effect.

It would then be impossible that liquor which had escaped duty at one port as for re-exportation should be exempted under the A'bkári Act at the other as "transported".

(L. R. No. 923, dated 25th August 1888; *vide* G. R. No. 6911, dated 17th October 1888.)

12. The Ábkári Commissioner and the Collectors should see that due facilities are afforded to licensed dealers in and consumers of toddy in the matter of obtaining transport permits. It is unnecessary to insist on written applications being made by persons requiring transport permits for raw toddy to the officers authorized to issue such permits; it will suffice if permits covering the transport of raw toddy are issued on verbal applications. All such applications and their disposal should be registered in books to be kept for the purpose by the officers to whom the duty of issuing the permits is entrusted. The Commissioner of Abkári should prescribe the necessary forms and rules for the guidance of issuing officers and should arrange to supply them with the requisite registers.

These orders are applicable to all districts in the Presidency Proper.

(G. Rs. Nos. 9289, dated 31st December 1890, and 4512, dated 3rd July 1891).

13. In continuation of Government Notification No. 3037,* dated the 14th May 1888, published at page 427 of the *Bombay Government Gazette*, Part I, dated the 17th idem, His Excellency the Governor in Council is pleased to empower the Munsif of the mahál of Káthor in His Highness the Gáekwár's territory to grant the transport permits mentioned in Government Notification No. 8827,* dated the 28th December 1887, published at pages 1009 and 1010 of the *Bombay Government Gazette*, Part I, dated the 29th idem. (G. N. No. 7036, dated 14th October 1891.)

14. In continuation of Government Notification No. 7036, dated 14th October 1891, published at page 832 of the *Bombay Government Gazette*, Part I, dated 15th idem, His Excellency the Governor in Council is pleased to empower the Baroda City Vahivatdár in His Highness the Gáekwár's territory to grant the transport permits mentioned in Government Notification No. 8827, dated 28th December 1887, published at pages 1009 and 1010 of the *Bombay Government Gazette*, Part I, dated 29th idem. (G. N. No. 3266, dated 5th May 1893.)

15. In exercise of the power conferred by Section 11 of the Bombay Ábkári Act, 1878, the Governor in Council is pleased to exempt from any duty

* Printed at page 431 of the Compilation of General Rules.

to which it may be liable under any provision of the said Act all liquor manufactured at His Highness the Diván of Pálanpur's distillery at Pálanpur which is transported from the said distillery, over any part of the railway, to His Highness' villages of Umerdesi, Chhapi, Chitrasni, Srotra, Roh and Chandisar, under permits for such transport signed by the First Class Magistrate, Pálanpur. (G. N. No. 8426, dated 17th November 1893.)

16. In exercise of the power conferred by Section 12 of the Bombay A'bkári Act, 1878, and in supersession of so much of the notification marginally noted as relates to the transport or removal of toddy within the local areas herein below specified or to or from any place therein, the Governor in Council is pleased to prescribe the following maxima quantities of toddy which may be transported or removed without a permit from any one place herein below respectively specified :—

(1) No. 4526*A*,* dated 24th June 1886, published at page 547 of the *Bombay Government Gazette* for 1886, Part I.

(2) No. 4237, dated 12th June 1889, published at page 529 of the *Bombay Government Gazette* for 1889, Part I.

(3) No. 7822*A*, dated 3rd November 1890, published at page 1102 of the *Bombay Government Gazette* for 1890, Part I.

(4) No. 9289, dated 31st December 1890, published at page 10 of the *Bombay Government Gazette* for 1891, Part I.

Area.	Maximum quantity of Toddy.	
	If transported or removed from one place to another within the area named.	If transported or removed from any place within the area named to any place without the said area or *vice versâ*.
Each táluka and mahál of the districts of Thána, Kolába, Ratnágiri and Kánara.	Four Imperial gallons.	One-quarter of a pint.

This restriction will not apply to unfermented toddy in transport from any place where it is drawn to the place where it is to be licitly disposed of.

This notification shall take effect from 1st August 1891.

(G. N. No. 4970, dated 21st July 1891.)†

17. The following form of permit to be issued under Section 13 of the A'bkári Act has been prescribed for Sind.

(Name and residence of person to whom permit is issued) is hereby authorized to transport (quantity and description of liquor or drug) from (name of place) to (name of place) by

* Printed at p. 432 of the Compilation of General Rules.

† For other notifications under Section 12 of the Abkári Act, *vide* p. 432 of the Compilation of General Rules.

(route in case of places more than 10 miles apart) between (hour and date) and (hour and date).

Signature of Officer issuing permit.

Dated

(G. R. No. 369, dated 19th January 1888.)

VI.—SALE.

1. Liquor should on no account be allowed to be sold on trust. (G. R. No. 3974, dated 31st October 1860.)

2. The Commissioner of Ábkári, Aden, is authorized under Section 16 of Act V of 1878 to grant passes to merchants at Aden to sell liquor not manufactured in India in its original casks or packages, free of license fee. (G. R. No. 676, dated 7th February 1880.)

3. The following rules have been compiled for the use of District Officers for the purpose of testing country liquor sold in retail shops :—

[Syke's Hydrometer is a brass instrument with a stem on which are marked the figures 1, 2 to 10; the spaces between the figures being divided into five parts of two decimals each. There are also weights marked 10, 20, 30 and so on to 90. These are to be fitted on the lower part of the hydrometer. This instrument is accompanied by a thermometer and a book without which it cannot be used. There are many kinds of small cheap hydrometers without any book; spirit cannot be accurately tested with these.]

(1) Take a sample of the spirit in a tall glass and at once immerse the thermometer in it for a few seconds and note to what figure the mercury in the thermometer rises. Then take the book and turn over to the page at the head of which that figure stands.

(2) Take the hydrometer and fit one of the weights. The weight numbered 60 will be the one most ordinarily required; but if it should cause the hydrometer to sink altogether into the liquid, then a lighter one (50 or 40) must be tried. On the other hand, if the hydrometer floats so high that the figure 10 on the stem is above the surface of the spirit, then a heavier weight must be put on. When the hydrometer is floating steadily, then note exactly to what figure on the stem the spirit rises and add this to the number of the weight. Suppose, for instance, the weight used was 60 and the hydrometer sinks to 7·4, then write down 67·4.

(3) Take the book and on the page at which you opened it, as directed in Rule (1), find out the figure you have obtained from the hydrometer. Opposite this you will find the strength of the spirit. For instance, if the thermometer figure was 82, and the hydrometer figure 67·4, then the strength of the spirit will be 23·2 under proof.

(4) Spirit is often sweetened with sugar to make it seem weaker than it really is. This can be detected by evaporating a small quantity of it in a saucer or any white porcelain dish over a lamp. The thick dark residue of burnt sugar cannot be mistaken.

(5) In using the small glass hydrometer set for a temperature of 83°, thermometer should also be used with the table prepared for this purpose by the Chemical Analyser and circulated to all Ábkári Inspectors.

(G. R. No. 5383, dated 12th October 1880.)

4. There is no objection to the sale by holders of licenses to sell European spirits or spirit of Indian manufacture on which duty at the Tariff rate has been paid. (G. R. No. 8251, dated 25th November 1882.)

5. The operation in Sind of the rule prohibiting the sale of foreign spirit of less strength than 15° under proof, which has been introduced into that Province and the Presidency Proper, except the city of Bombay, cannot be entirely abrogated; but the Commissioner in Sind is authorized to relax the operation of the rule when such a course appears to him to be advisable in special cases. (G. Rs. Nos. 1711, dated 2nd March 1889, and 2751, dated 23rd April 1890, and 5895, dated 20th August 1890.)

6. In exercise of the power conferred by Section 17 of the Bombay Ábkári Act, No. V of 1878, and in supersession of Government Notification No. 2553,* dated 25th March 1885, published at page 429 of the *Bombay Government Gazette*, Part I, of the 26th idem, in so far as it relates to the district of Khándesh, His Excellency the Governor in Council is pleased to direct that the maximum quantity of country liquor of any kind which may be sold by retail at one time or to one and the same person in the aggregate on any one day in that district shall be one Imperial gallon. (G. N. No. 7823, dated 3rd November 1890.)

7. In exercise of the power conferred by Section 17 of the Bombay A'bkári Act, 1878, and in supersession of the notifications marginally noted, the Governor in Council is pleased to direct that the maximum quantity of toddy which may be sold by retail at one time, or to one and the same person, in the aggregate on any one day in any táluka or mahál of the districts of Thána, Kolába, Ratnágiri and Kánara shall be four Imperial gallons.

(1) No. 5520, dated 31st July 1889, published at page 646 of the *Bombay Government Gazette* for 1889, Part I.

(2) No. 7822, dated 3rd November 1890, published at page 1102 of the *Bombay Government Gazette* for 1890, Part I.

This notification shall take effect from 1st August 1891.

(G. N. No. 4970A, dated 21st July 1891.)

* Printed at page 433 of the Compilation of General Rules.

8. In exercise of the power conferred by Section 17 of the Bombay A'bkári Act, 1878, and in supersession of Government Notification No. 2553, dated the 25th March 1885, published at page 429 of the *Bombay Government Gazette* for 1885, Part I, in so far as it relates to the Kalvan, Báglán and Peint Tálukas of the Násik District, the Governor in Council is pleased to direct that the maximum quantity of country liquor of any kind which may be sold by retail at one time or to one and the same person in the aggregate on any one day in those tálukas shall be one Imperial gallon.

Notification No. 4589, dated the 28th June 1886, published at page 547 of the *Bombay Government Gazette* for 1886, Part I, is hereby cancelled.

(G. N. No. 8764, dated 18th December 1891.)

VII.—Liquor Shops.

1. Government will not alter the general rule by which liquor shops are to be shut at sunset. But Collectors may, subject to the control of the Commissioner, allow at their discretion shops to be kept open till lamp-lighting time, or even till 8 P. M., if local circumstances render such extension advisable. (G. R. No. 765, dated 24th February 1860).

2. Liquor shops generally may be kept open in Gujarát during the Holi and Mohorram festivals, but the Collectors should use their discretion and direct the closing of such particular shops as they may think it desirable to keep closed on those occasions. (G. R. No. 3647, dated 6th June 1882).

3. It is not necessary that all the retail liquor shops in Bombay should be closed at 9 P. M. Fifty shops may be allowed to remain open till 11 P.M. The Commissioner of A'bkári should decide, in consultation with the Collector of Bombay and the Commissioner of Police, what shops in what localities should be permitted to be kept open up to 11 P. M., the total number being limited to 50, 10 of which should be for the sale of European spirits and the remainder for the sale of country liquor. (G. Rs. Nos. 4796, dated 13th June 1884, and 4844, dated 16th idem.)

4. Under Section 35, clause (*b*), of the A'bkári Act it is only the Commissioner who is authorized to determine the number of liquor shops in any area within his charge. (G. R. No. 3310, dated 23rd April 1885.)

5. It is a harsh measure to insist on opening bottles of liquor for examination if there is no suspicion or charge against the owner of *illicit* dealing. It is, however, not intended that the occasional opening of bottles exposed for sale in licensed shops for the purpose of ascertaining whether the spirit placed on sale comes up to the strength prescribed by the licenses should be prohibited. The wishes of Government in the matter will be carried out if such examinations are conducted with discretion and so as not to cause unnecessary loss to dealers.

As the licensees sell spirits only in full corked bottles, the opening of a bottle by an Inspector when examining the spirit, the removal of the capsule and the extraction of the cork, must to a certain extent diminish the selling value of the bottle so opened by causing it to be regarded with some suspicion by any intending purchaser. If the spirit is found to be of the proper strength as asserted by the licensee it would be hard on him that he should lose part of the value of the goods for no fault of his, but merely to satisfy the Inspector that the liquor was of the correct strength. To obviate any possibility of loss being thus caused to the licensee it is ruled that when the liquor contained in a bottle opened for the purpose of examination is found to conform to the conditions of the license, the licensee should be compensated for the depreciation in its selling value by being paid a sum equal to one-fourth of the value of the bottle of spirit opened, the charge being defrayed by Government.

When it is necessary to test liquors, a suitable officer of excise should visit the dealers' premises and make the requisite inquisitions without giving any needless cause of complaint.

(G. Rs. Nos. 8618, dated 1st November 1884, and 217, dated 10th January 1885.)

6. (1) It shall be the duty of the Mámlatdár and Chief Constable of every táluka and the Mahálkari in charge of a Petha Division to visit as frequently as possible the shops licensed in the táluka for the sale of Europe liquors, country spirit and toddy.

(2) They shall visit the shops without any previous notice being given of their intention to do so.

(3) They shall on visiting each shop—

(1) take stock of the liquor therein and compare it with the book balances;

(2) test the strength of the liquor by means of a hydrometer to satisfy themselves that it is of the strength specified in the license;

(3) examine and test the measures used in selling liquor;

(4) examine the shop accounts and permits, and enquire whether the prices charged for liquor sold by the shop-keeper are within the maxima prices prescribed in the license;

(5) make such further enquiries as may be necessary to satisfy themselves that all the conditions of the license have been duly observed.

(4) They shall enter the date of examination in, and shall sign, the "visit book" supplied to each shop by the Collector.

(5) They shall accost at random any person purchasing liquor from a licensed shop, ascertain from him the price he paid for it, and measure and test the liquor.

(6) Each Mámlatdár and Chief Constable shall submit a report every six months to the Assistant Collector, stating the number of shops he has examined, and the result of such examination. If there is anything worth reporting at the time of any visit, a special report shall be made immediately after the visit.

(7) The "visit books" of all shops in the táluka shall be sent by the Mámlatdár to the Assistant Collector at the end of the year.

(G. Rs. Nos. 6664, dated 17th August 1885, and 4340, dated 11th July 1887.)

7. The amount of additional labour which the performance of the duty of inspecting liquor shops periodically will throw upon Mámlatdárs, Mahálkaris and Chief Constables will be inconsiderable, and in the interests of Government it is desirable that these inspections should be made by the officers in question in addition to, and as a check on, the examination performed by the officials of the A'bkári Department. (G. R. No. 5383, dated 12th October 1880.)

8. It is not expedient to consult Municipalities and Local Boards regarding the licensing and location of spirit shops within their respective areas. All that is needed is that each Collector should, when considering the question of the establishment of a new, or the transfer of an existing, shop in his district, follow the procedure described by the Commissioner of Customs, Salt, Opium, and A'bkári in the following extracts from his letter No. 4440, dated 3rd August 1889:—

"So far as liquor shops in places other than Municipal districts are concerned, it hardly seems necessary to make any change in the existing procedure, which has been described in Mr. Trevor's Report No. 1085, dated 1st March last. No formal instructions have, it is true, been issued, but the practice is well understood in every district, and each Collector, knowing that his recommendation is closely scrutinized by the A'bkári Commissioner, is careful not to recommend the opening of new shops, unless he can show good reasons for so doing. My own practice as Collector, and I have no doubt that a similar one is followed by other Collectors, was first carefully to consider the representation made by the A'bkári farmer in all its bearings (he as a rule is the applicant for opening a new shop) such as the proximity of other shops in the district, the distance of the village from neighbouring foreign territory where liquor is easily procurable, the chances whether if a shop were not opened the people could or would resort to illicit distillation or smuggling. I then ascertained the population of the village, the castes of the villagers, their general character as to drinking proclivities and crime, and I finally used to ask the opinons of the village people themselves as to whether they wanted a shop opened there. Whenever I found that the people themselves opposed it, or that they were as a rule people whom facilities to drink would lead to crimes of violence, I invariably refused the permission asked for. If I had any doubts as to the advisability of opening the shop I always consulted the District Superintendent of Police on the matter."

(G. R. No. 8281, dated 30th October 1889.)

9. The Commissioner of A'bkári should bear in mind the expediency of diminishing the number of liquor shops, wherever diminution may be possible, without the risk of inciting the sale of illicit liquor, especially in the towns where the rate of consumption is high. (G. R. No. 5741, dated 13th July 1892.)

VIII.—Special Provisions as to Mhowra Flowers.

1. In exercise of the powers conferred by Section 18*A* (2) of the Bombay A'bkári Act, 1878, as amended by the Bombay A'bkári Act Amendment Act, 1892, His Excellency the Governor in Council is pleased to notify that "the prescribed area" referred to in the said section shall include the whole of the revenue district of Thána and the tálukas of Panvel (including Uran Petha), Karjat (including Khálápur Petha) and Pen (including the Nágothna Petha) of the revenue district of Kolába. (G. N. No. 1985, dated 16th March 1893.)

2. In exercise of the power conferred by Section 6 of the Bombay A'bkári Act, 1878, His Excellency the Governor in Council is pleased to invest the following officers with the power, to the extent hereinafter mentioned, of issuing permits and passes under Section 18*A* (1) of the said Act, for the possession or transport of mhowra flowers exceeding in weight four sers, within the area prescribed under clause (2) of the said section by Notification No. 1985 dated this day:—

	Quantity for which Permits may be granted.	Places for transport or removal from and to which Permits may be given.
Assistant and Deputy Collectors in the Thána and Kolába Districts.	Any quantity.	From and to any place.
Supervisor in charge of the Distilleries at Uran.	Any quantity.	From any place to Uran.
Mámlatdárs and Mahálkaris in the Thána and Kolába Districts.	Not exceeding two Indian maunds.	From and to any place in the same district.

(G. N. No. 1985 A, dated 16th March 1893.)

3. In exercise of the powers conferred by Section 30 of the Bombay A'bkári Act, 1878, the Governor in Council is pleased to direct—

(1) that permits for the collection, transport, possession and sale, passes for the transport, licenses for the possession and sale, and permits for the possession of mhowra flowers shall respectively be in the Forms H to K hereto annexed, and contain the particulars, and be granted subject to the restrictions and conditions therein respectively set forth;

(2) that licenses in Form J shall be granted for a period of one year commencing on the 1st August in one year and ending on the 31st July of the following year; that permits in Forms H and K shall be granted for such period not exceeding one year as the officer granting them shall in each case deem fit; and that passes in Form I shall be granted with validity for such periods as the officers granting the same shall in each case deem fit but not exceeding ordinarily double the length of time actually necessary for the purpose for which the permit is granted.

FORM H.

This Permit is granted to , of , authorizing him, under and subject to the provisions of the Bombay A'bkári Act, 1878, to collect mhowra flowers from his trees situated in the Survey Numbers specified in the margin in the táluka or petha of , of the district of , to transport them from the said Survey Numbers to his warehouse at , in the táluka or petha of , and to possess and sell the said flowers.

Mouje
Survey Nos.

This Permit will be in force from to

FORM I.

This Pass is granted under Section 18*A* (1) of the Bombay A'bkári Act, 1878, to , of , authorizing him to transport mhowra flowers weighing Indian maunds ( ) sers ( ) from táluka district to táluka district , by the mode of conveyance, and route described below:

Mode of conveyance—

Route—

This Pass shall remain valid up to the midnight of the day of 189 .

(This Pass should be in duplicate and biglot form bound in books.)

FORM J.

License is hereby granted to , of (hereinafter called the licensee), authorizing him, under and subject to the provisions of the Bombay A'bkári Act, 1878, to possess and sell mhowra flowers in his shop situated at , in the táluka of , of the district of , for the period of from the 189 to the

31st July 189 , both days inclusive, subject to the following conditions, viz. :—

1. The licensee shall not sell, keep or store mhowra flowers in any place except in his shop above described.

2. The licensee shall reside in his said shop, and shall personally carry on the business thereof. If the licensee shall wish to absent himself from the said shop at any time, or to appoint any other person to officiate for him in carrying on the business of the said shop, he shall first obtain the sanction of the Collector in writing endorsed on the back of this license. The licensee shall be responsible for the acts of every person so appointed to officiate for him in carrying on the business of the said shop and of all his servants.

3. The licensee shall not sell any mhowra flowers after 9 o'clock P.M. or before 6 o'clock A.M.

4. Except to a licensed distiller of mhowra spirit, or to a person holding a special permit from the Collector or other authorized officer for the possession of mhowra flowers in quantities exceeding 4 sers, or to a person holding a permit from the Collector or other authorized officer for the transport of mhowra flowers to any place outside the prescribed area referred to in Section 18*A* (2) of the Bombay A'bkári Act, 1878, the licensee shall not sell to any one person, at one time, or in the aggregate in any one day, mhowra flowers in quantity exceeding 4 seers in weight.

5. The licensee shall keep in a book, bound and paged, each page of which shall bear the seal of the Collector, Assistant or Deputy Collector in charge of the Division, or Mámlatdár or Mahálkari of the táluka or petha; plain and correct accounts written up to date daily, showing the quantities of mhowra flowers brought to the shop, from what places they were brought, the names of the persons from whom they were bought, the number and date of the permit under which they were transported and the quantities sold and in stock each day, together with a list showing the names and addresses of all persons to whom mhowra flowers may have been sold in quantities exceeding 4 sers in weight at one time or in the aggregate in any one day.

6. The licensee's shop, all stocks of mhowra flowers stored therein, and his accounts connected therewith shall always be open for inspection by any officer of the Revenue, A'bkári or Police Departments of rank not lower than that of Aval-Kárkún, to a Mámlatdár or Mahálkari or Sub-Inspector of A'bkári or Head Constable of Police.

7. The Collector shall have power to withdraw or suspend this license in whole or in part, if in his opinion there has been an infringement, by the licensee or by any of his servants, of any of the conditions hereof, or of any provision of the law

relating to A'bkári revenue for the time being in force.

Granted this day of 189

FORM K.

This Permit is granted under Section 18 *A* (1) of the Bombay A'bkári Act, 1878, and subject to the provisions of the said Act to of táluka zilla , to retain in his possession mhowra flowers in quantities not exceeding Indian maunds ( ) sers ( ) in weight.

This Permit shall remain valid till 31st July 189 unless it is previous to that date recalled or cancelled by the Collector for a breach by the said of any of the provisions of the law relating to A'bkári revenue for the time being in force.

Granted this day of 189 .

(G. N. No. 1985 B, dated 16th March 1893.)

4. The attention of Agents and Managers of Railway Companies should be invited to the rule which prescribes that mhowra flowers must not be booked to stations which are situated within the prescribed area, or which cannot be reached without passing through a portion of that area unless a transport pass in Form I prescribed in Government Notification No. 1985 B, dated 16th March 1893, is produced. (G. R. No. 1985, dated 16th March 1893, and G. R., P. W. D., Railway, No. 1208, dated 5th June 1893; *vide* G. M. No. 4380, dated 17th idem.)

IX.—DUTIES, TAXES AND FEES.

1. In the case of rum shipped from one Indian port to another, a remission of 2 per cent. for one month and 3½ per cent. for any longer period in the duty should be allowed on account of leakage during the voyage. (G. I., H. D., No. 285, dated 11th February 1861; *vide* G. R. No. 2035, dated 29th April 1861.)

2. The Customs Department is granted discretionary power to sanction refund of duty paid on mhowra liquor exported from Uran to Bombay and lost at sea, or to allow a similar quantity to be exported free of duty. (G. R. No. 3431, dated 27th September 1866.)

3. The fees levied for drawing and selling toddy should be credited to A'bkári and not to Land Revenue. (G. Rs. Nos. 2634, dated 2nd May 1876, and 2357, dated 3rd May 1879.)

4. Condensed or concentrated beer is clearly not a liquor and cannot, therefore, be charged with customs import duty like beer imported in a

drinkable condition. The proper course to adopt is to bring the article under the operation of the Inland Excise law. Accordingly this condensed beer, when obtained by local manufacture in a state fit for sale as beer suited for immediate consumption, should be dealt with exactly as all other locally produced beer. (G. I., R., A. & C., No. 61, dated 14th May 1878; *vide* G. R. No. 2644, dated 22nd idem.)

5. Liquor imported by the Commissariat Department into Aden for Government use is exempted from import duty. (G. R. No. 1620, dated 24th March 1879.)*

6. Ether should not be subjected to duty under the A'bkári Act at Aden. (G. R. No. 4423, dated 23rd August 1879.)

7. Under Section 23 of the Bombay A'bkári Act, V of 1878, Government are pleased to declare the provisions of the said section applicable to the undermentioned areas in the district of Karáchi† :—

the area contained within the municipal limits		of the city of Karáchi,
do.	do.	the Deh of Malir, táluka Karáchi,
do.	do.	the municipal limits of the town of Kotri, táluka Kotri,

and to authorize the farming of the right to sell toddy drawn from toddy-producing trees within those areas.

(G. R. No. 4412, dated 22nd August 1879.)

8. The A'bkári Act extends to the whole Presidency of Bombay, and Section 20 enacts that "for every toddy-producing tree from which toddy is drawn there shall, if Government so direct, be levied, for any period during which such tree is tapped, such duty as Government from time to time directs." This enactment overrides the provisions of all sanads and kowls and Government Resolutions not saved by the Act, and makes every toddy-producing tree in the Presidency liable to such duty as Government directs. Sections 64, 65 and 66 contain certain provisions in favour of the persons and classes of holders therein specified, and do not affect the sweeping provisions of Section 20.[1] (Adv. Gen. Nos. 116, dated 31st December 1880, and 34, dated 5th August 1881; *vide* G. Rs. Nos. 354, dated 18th January 1881, and 4750, dated 16th August 1881.)

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* By Government Resolution, Military Department, No. 1713, dated 15th September 1892, the system under which British troops at certain stations in the Bombay Presidency have been permitted to make their own arrangements for the supply of malt liquor was extended to Aden. Government Resolution No. 2523, dated 11th April 1893, negatived a proposal to exempt from duty malt liquor imported regimentally for the use of troops at Aden.

† As regards Hyderabad, *vide* Government Notification No. 1900, dated 6th March 1883, given at p. 433 of the Compilation of General Rules.

9. The previous sanction of Government to any increase of still-head duty or of the tree-tax should be obtained. (G. R. No. 7037, dated 23rd November 1881.)

10. The sanction of Government, which is necessary to legalize measures for the introduction of tree-tax rates, &c., should be obtained before and not after they have been introduced. (G. R. No. 7102, dated 2nd September 1885.)

11. It is a wise policy to raise the tree-tax, but sudden and violent increases would create much dissatisfaction and loud outcry, and it is more politic to enhance the tax gradually, working it by degrees up to the full rate considered necessary to equalize the Government duty on, and the cost of, mhowra liquor and toddy spirit. (G. R. No. 2354, dated 18th March 1884.)

12. The A'bkári Department should aim at avoiding enhancements, and especially sudden extreme enhancements, of the tree-tax and pay careful attention to the interests in land which are affected by the enhancement of the tax, following as closely as possible the principles laid down by Government in regard to land revenue. (G. R. No. 973, dated 5th February 1886.)

13. The tax on fermented toddy should be a reasonable and even impost on that article such as will neither encourage its abuse on the one hand, nor prohibit its legitimate use on the other. Taxation on distilled spirit, on the other hand, should have regard to the establishment of the same excise duty everywhere on the same alcoholic strength. (G. R. No. 973, dated 5th February 1886.)

14. The Mahárs of Pimpri in the Haveli Táluka of Poona District are not to be exempted from the payment of tapping fees on trees growing on their service lands. A cash allowance should be granted to the Mahárs equivalent to the amount of the tree-tax due according to the rate now in force and the Mahárs should be required to pay in future the tapping fees for the time being in force. The case of the Dheds of Tithal and other villages in the Bulsár Táluka, who draw toddy from the trees growing on their service lands for their own use and not for sale, may be similarly treated.

There must be a large number of cases in different parts of the Presidency in which persons holding service ináms were able to tap toddy-producing trees growing on their service lands without license or payment of fee up to the time of the enhancement of the Bombay A'bkári Act, 1878, and it is manifestly desirable that all these cases should be treated on one and the same principle. Survey occcupants of lands on which toddy trees grow, as well as Inámdárs of all descriptions, were possessed of precisely similar privileges with respect to their toddy trees up to the same time, but all of them have been alike deprived of these privileges by the Act of 1878 which in fact imposes a new tax on unfermented toddy. All applications for special remissions o

ábkári taxation should be refused, and in cases in which special consideration is called for, it may be granted in the shape of a cash allowance. (G. R. No. 1826, dated 17th March 1882.)

15. The foregoing order does not authorize the annual payment to the grantees of a sum varying according to the number of trees tapped by them in each year and the rate of tree-tax for the time being in force. The intention was that the cash allowance to be made in each case should be made permanently with reference to the then number of trees tapped by the grantees and the rate of tree-tax then in force. (G. R. No. 3426, dated 3rd May 1883.)

16. The Mahárs of Avlas and Pimpri should in accordance with the principle laid down in the above orders be granted a fixed cash allowance of Rs. 15 and Rs. 8, respectively. (G. Rs. No. 5357, dated 19th July 1883, and No. 4394, dated 2nd June 1884.)

17. Kálíparaj occupants, inhabiting the south-east tracts of the Surat District, should be granted the concession of tapping toddy trees on their own land on payment of a nominal fee. Care should be taken that the people to whom this concession is made actually consume the toddy and do not sell it, and that it is not appropriated by their creditors. The concession should be regulated by the following rules:—

(1) Tapping licenses for date trees at the nominal rate of 2 annas* per tree may be granted in the tálukas of Chikhli, Bulsár and Párdi to persons of the following classes:—Dublas, Chodharas, Náikas, Dhondias, Kotwálias, Gamets, Kolis, Bharváds, Dheds, provided they are Khatedárs or Halis of Khatedárs; provided also that the trees are growing on their own land in the former case, or on their employer's land in the latter case, whatever the caste of the employer.

(2) The privilege is to be allowed to the extent at any one time of half tree per adult member of the applicant's family. Provided that the number of trees allowed within the year to each family shall not exceed ten (10) as a maximum.

Note.—For the purposes of this rule the Commissioner of Abkári should define the age of an adult, for the guidance of the local officers.

(3) A tapping license on the above terms may be granted by the Mámlatdár on the direct application of the applicant if accompanied by a certificate by the Pátel and Taláti that the case comes within these rules, that the trees are growing on

* It was decided in Government Resolution No. 4398, dated 23rd June 1890, that the distinction between Káliparaj and other tree owners should be abolished gradually by levelling up the tree-tax. The Káliparaj rate has accordingly been gradually raised to 10 annas per tree (*vide* Government Resolutions Nos. 4497, dated 22nd June 1893, and 4838, dated 5th June 1894).

his or his employer's land, as the case may be, and that they have been duly marked and numbered. If no such certificate is presented with the application, the Mámlatdár should call for a report.

(4) Trees tapped under these rules are to be for the domestic use of the holder only. If any holder sells toddy or otherwise transfers the privilege, the pass may be summarily cancelled.

(5) Licenses to sell at the tree foot to be no longer issued, and no sale allowed except in shops which have paid the special shop-fee.

(6) The Mámlatdárs to keep in a separate file of all passes issued under these rules and to forward copies to the Taláti concerned and to the Ábkári Inspector.

(7) The village officers are to be held specially responsible that no pass is taken out under these rules, except by persons entitled to them, and that the benefit of them is *boná fide* enjoyed by the same. The Mámlatdár and his establishment on tour are expected to ascertain that the rules are in no way abused.

(8) A tapping license under these rules may be refused or cancelled by the Collector for reasons recorded.

18. In cases in which payments on account of tree-tax cannot be conveniently made by the licensees direct into Government Treasuries, the tree-tax should be collected by the village officers. (G. R. No. 2091, dated 12th March 1885.)

19. No collections on account of bud-dene should be made in the Thána and Kolába Districts.

Trees which have been relinquished by their occupants have reverted to Government, and it is not expedient to revive the interests in the trees of the ex-occupants in cases where the trees stood on land not held by them. Such trees when relinquished by the original holders should be handed over to and registered in the name of the occupant of the land on which they stand and treated in precisely the same manner as other trees already vested in the occupant.

Trees not held by any person standing in waste or forest lands should be let at the market rate, which can be decided by the Collector in each instance where circumstances do not admit of a public auction. Where there is a monopoly for tapping trees for toddy, the market rate should be introduced, but where, as in Bassein and Sálsette, there is no such monopoly, an auction can be held.

In the case of Watan Settlement Ináms and Sarákati villages, where no special agreements exist, exemption from the bud-dene should be allowed as in the case of ordinary occupants. In the case of leasehold villages and of Summary Settlement Ináms where bud-dene is entered in the sanads, the terms of the agreements or sanads should be adhered to (G. Rs. Nos. 1859, dated 10th March

1886, 4307, dated 16th June 1886, and 8420, dated 29th November 1886.)

20. In the Surat and Thána Districts the tree-tax (bud-dene) on palm trees in occupied holdings should be remitted. Trees in unoccupied lands should be rented either by auction or at a rate to be fixed by the Collector in such cases as he finds auction to be impossible. But the general rule should be sale by auction of the yearly lease of all toddy-producing trees by villages. If land on which such trees stand is asked for in occupancy, the Collector should proceed under Section 62 of the Land Revenue Code, and Rule 96 to dispose of Government rights in the trees together with the occupancy, putting the market value of the trees as an upset price. (G. Rs. Nos. 3447, dated 2nd June 1887, and 6019, dated 7th September 1887.)

21. Steps should at once be taken to encourage the revival of the industry of manufacturing vinegar from the juice of brab trees previously carried on in the Surat District, and to this end the tree-tax on brab trees licensed to be tapped only for the manufacture of vinegar in the Chorási and Olpád Tálukas should be reduced to Rs. 1-8-0 per tree, the following precautions being observed :—

(1) No vinegar should be manufactured without a license, which may be granted free for brab trees.

(2) Such license to specify, among other details, the place of manufacture, which should always be at or near the trees. Sale or removal absolutely forbidden until acetous fermentation is complete.

(3) Daily accounts of toddy drawn, &c., to be kept.

(4) No toddy to be destroyed or thrown away without permission of the Pátel or Inspector. This rule would be necessary because toddy often goes bad in the process, and this fact would often be used as a plea to cover any suspicious disappearance.

(5) Any abuse of the privilege to involve cancelment of the license, and the Collector to have power to forbid that another be ever issued, not only to a particular person, but for particular trees.

(G. R. No. 973, dated 5th February 1886).

22. A'bkári contractors are liable to the payment to owners of trees in private lands of a fee for the use of the toddy trees owned by them in addition to the ábkári tax, and there appears to be no reason whatever for exempting farmers from the payment when the trees happen to be the property of Government. Accordingly in addition to the tree-tax leviable under the A'bkári Act a fee should be levied at the rate of one anna per tree for permission to tap toddy trees growing in reserved or protected forests or in the beds of tanks or on the

banks of canals and waste lands in charge of the Irrigation Department. The fees should be collected by the A'bkári Department. These orders do not authorize the levy of the fee on trees situated in Government waste or unoccupied land. (G. Rs. Nos. 3479, dated 30th April 1884, and 4708, dated 16th July 1888.)

23. In exercise of the power conferred by Section 19 of the Bombay A'bkári Act, No. V of 1878, and in supersession of Government Notifications Nos. 8312 and 8683, dated 5th and 21st December 1887, published at pages 956 and 984 of Part I of the *Bombay Government Gazette* of 1887, His Excellency the Governor in Council is pleased to direct that a duty at the rate chargeable under the Indian Tariff Act in force for the time being shall be levied on all spiced liquor not being of a strength exceeding 10° U. P., or below 25° U. P., issued from the public distilleries at Uran in the island of Karanja in the Kolába District for transport to the Town and Island of Bombay and on all similar spiced liquor issued from the Central Distillery at Surat for transport to the Town and Island of Bombay or for consumption within the limits of the Surat District, the duty being reduced in proportion as the strength of the spirit is less than London proof. The duty shall be calculated on the strength of the spirit ascertained by test before it is sweetened. (G. N. No. 7443, dated 20th October 1890).

24. All malt liquor issued from the brewery established by Messrs. Meakin and Co. at Dápuri should be charged with an excise duty at the rate of one anna per Imperial gallon from 1st January 1891, the cost of any establishment which it may be necessary to employ for the collection of the duty being recovered from that firm. The duty paid on any beer and porter which may be returned to the brewery unsold should be refunded. (G. R. No. 4275, dated 19th June 1890; *vide* also G. N. No. 9244, dated 27th December 1890.)

25. The provisions of Section 28 of the Sea Customs Act, 1878, do authorize a Collector of Customs under certain circumstances to remit excise duties on rum exported as ships' provisions and stores, notwithstanding the provisions of the Bombay A'bkári Act.

The Legislature is reasonably presumed not to intend to alter a special provision by a subsequent general enactment unless it manifests that intention in explicit language (Maxwell on Interpretation of Statutes, page 158).

(Solicitor to Government No. 313, dated 20th March 1891; *vide* G. R. No. 2454, dated 8th April 1891).

XI.—Licenses.

1. Cancelled licenses should not be restored as an act of favour except on a special agreement by the licensee that he will not seek further redress and

that he admits the restoration to be an act of grace. (G. L. No. 365, dated 21st January 1861).

2. The restriction against removing liquor from the premises should be omitted in the case of licenses granted to the Railway Companies.

Licenses for the sale of liquor at the refreshment rooms of railway stations on the G. I. P. Railway line should be issued in the name of the General Traffic Manager.

(G. Rs. Nos. 4599, dated 8th November 1865, 1917, dated 25th May 1866, and 1189, dated 25th March 1868.)

3. In the City of Bombay the following regulations for the licensing of shops for the sale of liquor should be put into force. The same system may be applied to the licensing of shops where preparations of opium are consumed or sold :—

(*a*) Three months before the time arrives for any general issue of licenses for the retail sale of liquor in the City of Bombay the Commissioner of Police and the Collector of Bombay should meet and consult together as to the number of licenses to be issued, the localities in which shops are to be opened, and the conditions to be inserted in the licenses, and should forward their recommendations with a report to the Commissioner of Ábkári. The Commissioner of A'bkári will submit this report to Government with his remarks, and apply for the orders of Government under Section 30 of the A'bkári Act to the conditions proposed to be inserted in the licenses, as well as in the event of any difference of opinion between the Commissioner of Police and the Collector as to the licensing of any particular shop, determining himself the number of licenses to be granted as prescribed by Section 35 of the A'bkári Act.

(*b*) All applications for licenses for the sale of liquor in the City of Bombay should be made to the Collector.

(*c*) When applications are made for the opening of shops not licensed at the periodical settlements, the Collector if willing to grant them should refer them to the Commissioner of Police for his opinion. If the Commissioner of Police and the Collector are agreed, licenses may be issued, the previous sanction of the Commissioner of A'bkári being obtained (under Section 35 of the A'bkári Act) to the opening of any shop in excess of the sanctioned complement. If the Commissioner of Police and the Collector do not agree, report should be made to the Commissioner of A'bkari, who will refer the case for the orders of Government.

(*d*) Licenses for the retail sale of liquor prepared and signed by the Collector should be forwarded * to the Commissioner of Police as his authority for the issue of Police licenses under the provisions of Section 12, Act XLVIII of 1860,

* After the counterparts have been duly executed by the licensees.

and should be delivered to the licensees by the Commissioner of Police along with the licenses last mentioned. Government will not claim the fee of one rupee charged for each license issued by the Commissioner of Police under Act XLVIII of 1860.

(*e*) As all conditions necessary for Police as well as Revenue purposes must be entered in licenses issued under the A'bkári Act, in order to make such licenses liable to recall in the event of breach of Police as well as of Revenue Regulations, and as licenses issued under Act XLVIII of 1860 become void (see Section 12) when the corresponding licenses issued under the A'bkári Act terminate or are recalled, and, further, as the penalties prescribed for the breach of license conditions by the A'bkári Act more than cover those prescribed by Act XLVIII of 1860, it will not be necessary to repeat the Police conditions in licenses issued under Act XLVIII of 1860.

(*f*) If the Collector should be unwilling to recall any license which in the opinion of the Commissioner of Police ought to be recalled, the Commissioner of Police should refer to the Commissioner of A'bkári.

(G. R. No. 2726, dated 23rd May 1879).

4. The Commissioner of A'bkári need not submit licenses for the sanction of Government, unless they embody changes of the forms in force. (G. R. No. 3712, dated 15th July 1879).

5. The following is the standard form of security bond to be taken from sureties of ábkári licenses :—

To the Collector of _____ on behalf of the Secretary of State for India in Council.

Whereas A. B., inhabitant of _____, has been granted a License for the* _____ _____ from the _____ day of 18 to the _____ day of _____ 18 , and has this day (or as the case may be) executed a counterpart agreement in conformity with the tenor of the license, which agreement we have read and fully understood.

* Here enter any particulars that may be thought necessary.

We, C. D. and E. F., inhabitants of _____ hereby declare ourselves sureties for the above said A. B. that he shall do and perform all that he has undertaken to do and perform, and that he shall duly pay the sums that he has undertaken to pay, and in the event of his making any default therein we hereby jointly and severally bind ourselves, our heirs, executors and administrators to forfeit to the Secretary of State for India in Council such sum not exceeding _____ rupees as may be adjudged by the Collector of _____

This _____ day of _____ 18 .

(Signed).

Signed in the presence of }

(G. R. No. 6484, dated 4th December 1879).

6. The following form is prescribed for counterpart agreements to be executed by excise contractors in cases in which no security deposits are demanded :—

I _____ in consideration of the Collector of _____ granting to me a license under the Bombay A'bkári Act, 1878, for the wholesale (or retail) vend of _____ in the district or mahál of _____ for the period of _____ commencing from the _____ day of _____ 18 and ending on the _____ day of _____ 18 both days inclusive, do hereby agree with the said _____ to all the conditions written and expressed in the said license, a copy of which is subjoined hereto.

(G. R. No. 3030, dated 2nd May 1890.)

7. The attestation of counterpart agreements executed by excise contractors under Section 31 of the A'bkári Act should be dispensed with. (G. R. No. 8916, dated 4th December 1893.)

8. It is not desirable to grant retail liquor licenses to persons holding the office of Consul or Vice-Consul for Foreign States at Aden. (G. R. No. 1849, dated 10th April 1880.)

9. In such a special case as that in which a shop-keeper, who sells among other things imported wines and spirits, keeps a shop at Mahábaleshvar for a portion of the year and for the rest of the year transfers his goods and establishment to Sátára, a single license and a single fee may be held to be sufficient. A separate license and a separate fee for each shop are not necessary. (G. R. No. 4080, dated 14th July 1881.)

10. His Excellency the Governor in Council does not consider that clubs established in this Presidency can be regarded as institutions which sell liquors to their members. They serve merely as agencies for the supply of the liquors required by the members for their own use, and cannot, therefore, be called upon to take out licenses so long as they confine themselves to their legitimate functions. If they deal in such articles with non-members they would subject themselves to the usual penalties, as they can have no right of exemption.
(G. R. No. 7655, dated 26th September 1884.)

11. All ábkári licenses, including tapping licenses, should be prepared and issued by Collectors, Assistant and Deputy Collectors or by Mámlatdárs or Mahálkaris as the Collector may in each case direct. (G. R. No. 2091, dated 12th March 1885.)

12. Licenses under Section 14 of the A'bkári Act must be granted by the Collector himself, unless under Section 5 some other officer has been appointed to exercise the powers of a Collector under the Act, in which case such officer should issue the license and sign it as a 'Collector for the purposes of

the A'bkári Act'. (L. R. No. 1417, dated 30th March 1886; *vide* G. R. No. 2781, dated 12th April 1886.)

13. A correct valuation of distilling plant is important for the reason that Government may be obliged to purchase it at the discretion of the licensee and may or may not choose to oblige a new licensee to purchase. It is very necessary, therefore, that the property should be appraised as fairly as possible. The Commissioner of Customs, Salt, Opium and A'bkári should take early steps to get on record the date of acquisition and actual age and cost of each article of any value in the distilleries under his charge; he should ascertain the proper amount to allow annually for depreciation by fair use and have this written off, leaving questions of excessive wear and tear to be decided should they arise. With a record so kept, on a distillery changing hands, there will be little or no motive for an outgoing or incoming contractor to object to the valuation which the Collector will arrive at. (G. R. No. 8256, dated 2nd December 1887.)

14. There is nothing in the Bombay A'bkári Act which renders Government competent to hear and decide an appeal from a farmer against the Collector's decision fixing under the terms of a license the price or valuation of the distillery plant, nor is there any provision of law under which Government can entertain such an appeal. By Section 4 of the Ábkári Act the Collector is charged with carrying out the provisions of the Act, 'subject to the orders of Government,' but this enactment although it would authorize Government to direct the Collector what terms to insert in licenses which he has to issue under the Act, would not justify Government in setting aside or varying an order passed by the Collector in exercise of a power expressly conferred upon him, and upon him alone, by a clause in an existing license. (L. R. No. 419, dated 9th April 1888; *vide* G. R. No. 2616, dated 28th idem.)

15. When licensees of liquor shops in the Town and Island of Bombay are allowed to transfer their licenses to other sites or to other names they should be charged fees according to the following scale:—

Class of license.	Fee for transferring licenses to other names.	Fee for transferring licenses to other sites.
	Rs.	Rs.
Permanent refreshment stall licenses.	10	10
Tapping licenses	5	...
Distilling do.	5	...
Tree-foot booth licenses ...	1	1
Toddy hawking do. ...	1	...

A fee of Re. 1 should be charged in cases where documents (such as permits issued to the Dádar distillers) are allowed to be amended. A fee of Re. 1 should also be charged when duplicates are given. (G. R. No. 2336, dated 17th April 1888.)

16. Under the A'bkári Act (Bombay V of 1878) no license is necessary except for the—

(*a*) Manufacture of

(1) liquor,
(2) country-liquor, or
(3) intoxicating drugs, or for

(*b*) Materials, stills, utensils, implements, or apparatus used or kept for the purpose of such manufacture.

A still kept for any other purpose does not require a license, but the onus of accounting for the possession of any such still as is "ordinarily used" for the manufacture of liquor, intoxicating drugs, &c., would be on the person in possession thereof (Section 53). It is only if a person uses or keeps such still, &c., for the purpose of manufacturing liquor or intoxicating drugs that he would commit an offence punishable under Section 43.

The Act does not authorize the issue of licenses (which carry with them certain liabilities) for the manufacture of any thing which is not either liquor, country-liquor or intoxicating drug.

"Liquor" as defined in Section 3 (7) of the Act applies to spirits of wine, spirits, wine, toddy, beer, and all liquid consisting of or containing alcohol. "Country liquor" is any such liquor, if manufactured in India. "Intoxicating drug" applies only to an intoxicating drink or substance.

Licenses for the distillation of rose, peppermint, aniseed, and other waters, *that do not contain alcohol*, are not for the manufacture of *liquor* or *country liquor*. No person could be called on to take out a license for any such waters, unless they were intoxicating drugs.

But if any person having no license for the manufacture of liquor or intoxicating drugs, introduced alcohol or any intoxicating drink or substance into any preparation, he would be liable under Section 43 of the Act. No preparation without such admixture would require a license for its manufacture. The power to enter and inspect under Section 36 (*a*) the premises of a *licensed* manufacturer extends only to premises in which the manufacture or sale of any "liquor" or "intoxicating drug," is carried on. But under Section 36 (*b*) power is given to enter *any* place where *there is reason to believe* any liquor or intoxicating drug is manufactured, or any still is kept for the purpose of manufacturing such "liquor" or "drug".

Unless the waters in question contain alcohol or intoxicating drink or substance, the A'bkári Act has nothing to do with them, and the licenses should therefore be confined to such as do contain alcohol or some intoxicating drink or substance.

If it is meant to license waters which do contain alcohol or other intoxicant, the license should, I think, specify the quantities of such alcohol or other intoxicant which the waters may contain. (L. R.

No. 95, dated 22nd January 1889 ; *vide* G. R. No. 1038, dated 8th February 1889.)

17. In all liquor-shop licenses in the City of Bombay, the following clause should be inserted:—

"It is entirely within the discretion of the Collector whether he will or will not renew this license at the expiration of the term for which it is granted. It is also entirely within the discretion of the Collector whether he will or will not permit the assignee of the holder of the license in case of sale or transfer or the heir or legal representative of the holder of the license in case of death to have the benefit of the license for the unexpired portion of the term for which it was granted."

(G. R. No. 4, dated 3rd January 1888.)

18. As regards all liquor-shop licenses in the City of Bombay not acquired in 1886 or 1889, the license of a deceased licensee should be put up to auction at the next periodical renewal of licenses. The heir of a deceased licensee may with the permission of the Collector of Land Revenue, Customs and Opium, Bombay, hold a license for its unexpired period only. Transferred licenses should be dealt with in the same manner, being recognized only for the unexpired part of the term for which they were originally granted.

The Collector should keep separate lists of the privileged licenses of 1886 and 1889, the holders of which possess the right of renewal during their lifetime subject to conformity with the conditions of the licenses, and to payment of the fee assessed by the Collector. This class of licenses should become extinct as they fall in from time to time. (G. R. No. 9470, dated 2nd December 1892.)

19. The Commissioner of A'bkári should require in all cases a close adherence to the conditions sanctioned by Government and prescribed in the licenses issued under the A'bkári Act. (G. R. No. 7960, dated 19th October 1889.)

20. Section 31 of Bombay Act V of 1878 does not require the execution of a counterpart agreement, in conformity with the tenor of every tapping license (in Form No. 18) issued to each employé of a farmer holding a license to tap (in Form No. 11). Section 31 only requires a counterpart agreement to be executed by a person taking out a license for the manufacture or sale of liquor or intoxicating drug *under the Act.*

Manufacturing liquor and drawing toddy from a tree are spoken of severally and distinctly in Section 14 and again in Section 43 (*c*) and (*d*), and it is possible, therefore, that the Legislature did not regard the drawing of toddy as the manufacture of liquor.

But, if this point be doubtful, Section 31 would still be inapplicable to a license to an employé for the drawing of toddy for which authority had already been given to his employer.

For Section 31 applies only to licenses taken out under the Act.

But the Act does not require that each individual employed in the tapping or in the manufacture should take out a license. Section 14 requires merely that toddy shall not be drawn or liquor manufactured except under the authority and subject to the terms and conditions of a license. If the drawing is authorized, and is in accordance with the terms and conditions of a license that has been granted, it is not essential under the Act that each drawer should also hold a license.

For departmental purposes it seems to be found convenient to issue, in addition to the license authorizing the drawing, a document to be held by each employé which is apparently intended merely for purposes of identification.

Such document is not required by the Act, and is not taken out under the Act, but as contractually required by the terms and conditions on which the license is given. The terms and conditions might have required each tapper to wear a badge instead, or merely to send his name and address to the Collector.

If, as is understood, No. 11 is itself the license required by Section 14 authorizing the drawing and prescribing the terms and conditions, the mere mention therein of such a document as Form No. 18 as a license, does not make Form No. 18 a license under the Act without which no drawing could take place.

It is only in the case of the license required by the Act as indispensable to manufacture or sale that Section 31 requires also a counterpart agreement and security for the performance thereof.

Form No. 18 is required by paragraph 3 of Form 11 and is not apparently the license required by the Act at all and, therefore, neither counterpart nor security is necessary in respect of it.

(L. R. No. 10, dated 3rd January 1891; *vide* G. R. No. 689, dated 27th idem.)

21. A farmer under the Bombay Abkári Act (Bombay Act V) of 1898, being bound by his license to take over from the preceding year's farmer an amount of liquor fixed by the Collector as being sufficient for the new farmer's requirements for 15 days, voluntarily took over from his predecessor the whole of his surplus stock. By the terms of the predecessor's license any surplus stock he might leave at the end of his term over and above the 15 days' supply required for his successor became the property of Government. Consequently the new farmer took over stock which belonged to Government and he was liable to Government for the value of it. The point is whether this value is "an amount due from the farmer" within the meaning of Section 34 of the Act.

The words of Section 34 are "all amounts due from any farmer under this Act may be recovered from the person primarily liable to pay the same or

from his surety (if any) as if they were arrears of land revenue."

The words "under this Act" appear to govern "farmer" and not "amounts due"; therefore, all amounts due to Government by such a farmer are recoverable as arrears of land revenue; *i.e.*, of course all amounts due by him *quâ* farmer.

In accordance with this view the price of the additional stock taken over by the farmer in question from his predecessor is lawfully recoverable under Section 34 as an arrear of land revenue. (L. R. No. 1227, dated 24th July 1891; *vide* G. R. No. 5416, dated 8th August 1891.)

22. The Abkári Act contemplates that the authority given to a licensee should be subject to the conditions of the license. This implies that the license is to define the licensee's obligations. But the obligation to guarantee, in circumstances unknown to the licensee and beyond his control, a minimum yearly revenue the limit of which is not indicated in the license at all, but is left entirely to future orders, can hardly be regarded as defined. Such a condition is not one imposing an obligation, but giving power to impose in the future an obligation of unknown and unascertainable extent. (L. R. No. 1101, dated 20th July 1892; *vide* G. R. No. 6679, dated 19th August 1892.)

XI.—Offences and Penalties.

1. It is the duty of the Collectors, with the aid of the Police, to proceed against parties endeavouring to export liquor by Railway contrary to law. (G. R. No. 3662, dated 1st August 1876.)

2. Liquor and spirits illegally imported by sea into Bombay when seized by the Police should be first handed over to the Customs authorities to be dealt with according to law. Then, if the liquor should not be confiscated, it should be handed over to the Traffic Manager, Port Trust, to be dealt with according to law for non-payment of town duty. (G. R. No. 190, dated 14th January 1878.)

3. The question having been raised whether the arrests of persons apprehended by ábkári officers, and handed over to the Police are to be treated as arrests made by private persons, Section 59, Criminal Procedure Code, or by the Police, Section 60 of the Code, the following opinion was recorded by the Remembrancer of Legal Affairs:—

"In the Criminal Procedure Code a 'Police officer' means an officer duly enrolled under any law in force as a Police officer and not an officer of any other department who under special laws has power to arrest without warrant for certain offences. Officers of the latter description, not being Police officers, must be deemed to be private persons for the purposes of Section 59 of the Criminal Procedure Code. The law provides no other course, the intended meaning of the words 'private person' being no doubt 'any person who is not a' Police officer.'"

(L. R. No. 1290, dated 24th September 1883; *vide* G. R. No. 1254, dated 9th February 1884.)

4. The insertion in an ábkári license of a provision enabling the Collector to fine the licensee up to a fixed sum for any infringement, by him or by his servants, of the license or of the ábkári law and still leaving the licensee liable to be criminally prosecuted under the A'bkári Act if the Collector deems it expedient to institute such prosecution, is inconsistent with Section 56 of the Act, which directs that all offences against the Act (including breaches of licenses) shall be cognizable by a Magistrate. It offends also against the general principle of criminal law that no man shall be punished twice over for one and the same offence. Moreover, the Act does not require the sanction of the Collector to authorize prosecutions for offences against it, and such prosecutions might, therefore, be instituted in spite of the Collector's refusal to institute them. (L. R. No. 439, dated 24th March 1884; *vide* G. R. No. 3220, dated 21st April 1884.)

5. Sections 43 to 46 of the A'bkári Act render punishable every possible contravention of a license and Section 56 directs that all offences against the Act shall be cognizable by a Magistrate. An order of Government sanctioning the insertion in a license of a clause empowering the Collector to punish contraventions of that license by fine would, therefore, be illegal, because Section 30 of the Act expressly directs that the orders of Government as to the form of and particulars to be contained in a license shall not be inconsistent with the Act. (L. R. No. 538, dated 15th April 1884; *vide* G. R. No 3644, dated 7th May 1884.)

6. It is doubtful whether the provisions of Section 43 (*a*) and (*b*) of the A'bkári Act can be enforced against common carriers, *e.g.*, Railway Companies, nor is it necessary or expedient that Railway servants should be made A'bkári officers, the persons who have already been invested with powers under Section 37 (including all Police officers) having full authority to seize liquor in possession of the Railway Company when the liquor is suspected to be liable to confiscation. The only course which the Railway Companies can legally adopt in the circumstances is to refuse to receive consignments of liquor known or suspected to be illicit, or to direct Railway servants to give the requisite intimation to the Railway Police in view to the seizure by them of such consignments under Section 37 of the A'bkári Act. (L. R. No. 7052, dated 31st August 1885; *vide* G. R. No. 7052, dated 31st idem.)

7. The infamous devices, by which in the last century Police agents (called on the Continent *agents provocateurs*) sometimes deliberately seduced men into committing crimes in order that they might gain rewards for denouncing or arresting them, have long since been finally condemned alike by morality and law. Customs and Excise cases differ from these in that an offence under the Revenue laws is far less shocking to the moral sense

than one against life or property. The temptation to it, therefore, involves a much lower degree of turpitude than an incitement to murder or burglary. It may under circumstances involve no turpitude at all any more than lying in wait for a suspected highwayman or keeping him amused until help arrives is a dishonourable betrayal of innocence. It is only by offering to buy that it can generally be discovered whether a suspected vendor is willing to sell and trying the inclination in this way involves no temptation as it is exactly what the vendor wants and invites in all cases wherein the device is successful.

But while this is so and while officers of the Customs and Excise are to be highly commended for displaying skill in their very necessary functions, this skill should never be allowed to degenerate into a deliberate endeavour to force or persuade or cajole a person really undesirous of breaking the law into a breach of it. To try an illicit inclination is a different thing from creating or inflaming it. The dividing line between the two classes of cases may not be quite easy to determine in actual examples, but the distinction of principle should always be borne in mind. The object is to keep lawless people within the law, not to seduce weak people to transgress it, and mere convictions so far from being a good in themselves are a great, though necessary evil.

In every case in which money has been paid after a supply of liquor or other contraband article it may fairly be presumed that the payment has been made for that along with the other articles, if any, supplied. Why should a customer be presented with liquor gratis? Even when the liquor was supplied after payment for the other articles and nominally supplied gratis it may still reasonably be inferred that the liquor was the real consideration given and received for the payment, if the price of the other articles was at all above the ordinary. The presence of spirituous liquors at all in a shop ostensibly kept for the sale of non-intoxicating drinks is a very suspicious circumstance because needless and incongruous. The supply of liquor to customers who pay money for other supplies in the shop can very rarely be deemed innocent. Such reasonings as these have been made the basis of many convictions under the Excise Laws in England and there is no reason to suppose that they will not be generally accepted as of equal force in India. Suspected illicit dealers in liquor or opium must be tried as the only effectual test of their innocence. They must not be bullied or seduced into offences which they would otherwise not have thought of committing.

(G. R. No. 1491, dated 3rd March 1888.)

8. With a view to check the smuggling of country liquor from Goa into British territory, the Collectors of Salt Revenue and Customs should enjoin special vigilance on the part of the Frontier estab-

lishment, especially at Castle Rock, the Coast Guard establishment and the Customs establishment at all ports and landing places. The Collectors of Belgaum, Kánára and Ratnágiri, the Political Superintendent of Sávantvádi and the Superintendent, Southern Marátha Railway Police, should co-operate with the Customs Department in all possible ways for the suppression of the smuggling. (G. R. No. 1568, dated 28th February 1893.)

XII.—INTOXICATING DRUGS.

1. Local Governments should endeavour, wherever it may be possible, to discourage the consumption of gánja and bháng by placing restrictions on their cultivation, preparation and retail, and imposing on their use as high a rate of duty as can be levied without inducing illicit practices. (G. I., F. D., No. 3773, dated 17th December 1873, and S. of S., No. 99, Rev., dated 20th October 1892; *vide* G. R., G. D., No. 140, dated 15th January 1874, and G. R. No. 1347, dated 17th February 1893.)

2. *Boná-fide* travellers entering the Bombay Presidency from foreign territory and possessing bháng and gánja in quantity not exceeding 10 tolas in each case should be exempted from prosecution under Sections 9 and 43 of the A'bkári Act, 1878. (G. R., No. 3995, dated 4th June 1886.)

3. When a farmer of intoxicating drugs is allowed to sub-let a part of his farm, there is no legal necessity to issue a separate license to the sub-contractor.

Section 16 of the A'bkári Act lays down that, except as otherwise provided, no intoxicating drug shall be sold without a license from the Collector. But in cases in which the Collector has under the farmer's license permitted the right of vend to be sub-let in whole or in part, it cannot be said that the drug sold by the sub-contractor is sold without a license. In such case it is sold in accordance with the terms of the license.

But though there is no legal necessity for a separate license to the sub-contractor, an additional clause is necessary so as to make it clear that the original license is liable to be recalled in case of breach of the conditions by him or his servants.

(L. R. No. 1310, dated 30th September 1887; *vide* G. R. No. 7144, dated 20th October 1887.)

4. The time for closing the shops for the sale of intoxicating drugs in Bombay should be fixed at 11 P.M. In the Mofussil, 9 P.M. is considered late enough, and the Collectors may at their discretion enter in the licenses any hour not later than 9 P.M. that they may think suitable for the requirements of their respective districts. (G. Rs. Nos. 6327, dated 2nd December 1880, and 5806, dated 18th August 1890.)

5. Gánja and bháng transported for use at the Government Medical Stores are under Section 11 proviso (2) of the Bombay A'bkári Act, V of 1878,

exempted from the transport duties to which they are liable under the rules issued under Section 27 of the Act. The Medical Storekeeper to Government, before bringing the gánja or bháng to Bombay, should inform the Collector of Land Revenue, Customs and Opium, Bombay, of the quantity to be brought, the place from which it was brought and the route to be taken in transit. The Collector should, on receipt of this information, issue a permit without charge, and this permit should eventually be returned to the Collector with a certificate from the Medical Storekeeper to Government, showing the quantity of gánja and bháng received at the Medical Stores under permit. (G. R. No. 7885, dated 26th October 1893.)

XIII.—MISCELLANEOUS.

1. *Á'bkári management of Native States.*—The Government of India have prescribed* certain formalities which are to be observed in the execution of "Treaties and formal agreements with Native States." The lease of the ábkári management of the Native State must be regarded as a "formal agreement," and it must accordingly be executed with all the formalities directed.

2. The Solicitor to Government should send direct to the officer executing on behalf of Government an agreement for leasing the ábkári management of a Native State, a copy of the agreement he proposes to engross, so that any changes in the *personnel* of the office or otherwise may be rectified at the last moment. (G. R. No. 3697, dated 21st May 1886.)

3. The sale-proceeds of property confiscated under the ábkári law in Native States the ábkári revenue of which has been leased to Government, should be credited to the States concerned, subject to the conditions that the confiscation in all such cases must be adjudged by the Collector of the district to which the Native territory concerned may for the time being be attached for ábkári management, that the Collector shall dispose of the

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* The Government of India attach much importance to the observance of the formalities which have been recognized as applicable to the execution of Treaties and formal agreements with Native States. The usual procedure, after the terms of the agreement have been settled by negotiation, is as follows:—The agreement is headed by its title and object, and the names of the contracting parties and their executing agents, if necessary, are recited. Then follow the articles as agreed upon. Duplicates are engrossed on parchment, either by the officer negotiating the Treaty, or in the Foreign Office, and after formal signature and execution by the contracting parties, both copies are transmitted for ratification. One copy is then sent back to the Political Agent for delivering to the State, and the other is sent for record among the archives of this office. The English version can alone be taken as the accepted text, and all agreements must be executed in English. It is also necessary to be precise as to the titles used by the Native Chief, which should only be those that are formally recognized by the British Government. (G. I., For. D., No. 921-I, dated 13th March 1884; *vide* G. R., P. D., No. 3097, dated 13th June 1884.)

confiscated property in accordance with the rules published at p. 467 of the *Bombay Government Gazette*, Part I, dated 3rd April 1879, and that the surplus of the sale-proceeds, if any, that may remain after payment of rewards and charges, shall be made over by the Collector to the State concerned. (G. R. No. 7698, dated 10th November 1887.)

4. *A'bkári receipts and charges of Cantonments.*—The ábkári receipts and charges of Military Cantonments should be treated as receipts and charges of the Civil Department. (G. R. No. 4315, dated 30th August 1872.)

5. *A'bkári year.*—The ábkári year in Bombay should be assimilated to that obtaining in the rest of the Presidency. (G. R. No. 5304, dated 8th October 1880).

6. The ábkári year in Aden should end on 31st July. (G. R. No. 4127, dated 31st May 1883.)

7. *Compensation for abolition of A'bkári rights.*—The summary settlement should be applied to the allowances* granted as compensation for the abolition of ábkári rights, but this order should be made applicable only to those cases in which the holders of rent-free estates have agreed to the payment of the quit-rent.

If the principles of the summary settlement are accepted by the holders of such allowances, they should be made applicable by reducing at once the amount of the allowances. A uniform rate of 5 annas should be applied throughout the Presidency to this class of allowance.

The former orders are to continue applicable to the cases of such holders as may refuse to accept the summary settlement.

(G. Rs. Nos. 4560, dated 19th October 1861, and 4594, dated 20th December 1862†).

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* For forms of sanads to the holders of allowances granted as compensation for abolition of ábkári rights, *vide* Government Resolution No. 4781, dated 21st August 1875.

† "In 1863 a case arose which was disposed of by Government Resolution No. 1683 of that year. Mr. Hart was then Revenue Commissioner. He had for some years been at the head of the Inám Commission and had thus had quite exceptional experience in construing grants. The Inám Commission was reasonably strict in scrutinizing the claims of alienees of revenue. Yet, with regard to the grant in the above-mentioned case, containing the expression used in the Peishwa's confirming grant in the present case, Mr. Hart recommended and Government decided that *kul-bab kul-kánu* conferred a title to ábkári revenue 'of right and not of grace'. Mr. Hart stated that he was not aware of the existence of any sanads at all in which the 'right to ábkári revenue would be found to be distinctively alienated (along) with the rest of the village.' *Kul-bab kul-kanu*, where supported by actual possession and enjoyment, he considered sufficient to embrace the right to ábkári revenue. This view, fully adopted by Government as a ground on which an application for compensation might be based, appears equally applicable in Native States, regard being had to the fact that the grants were made by the same class of rulers under similar circumstances.". (Extract from para. 2 of G R., P. D., No. 8051, dated 23rd December 1890.)

8. Holders of estates which have already been formally adjudicated to be continued hereditary should be admitted to the benefits of the ábkári settlement, provided that they consent to the conditions proposed, one of which as regards the districts hitherto under Act XI of 1852 is the payment of a quit-rent.

The payment of nazrána will be optional and will depend on whether the holders desire to secure the privilege of transferring their right to the allowances in question.

(G. R. No. 601, dated 25th February 1863.)

9. The compensation granted by Government for ábkári rights is not watan property, *i. e.*, property held or acquired for the performance of the duty appertaining to any hereditary office; and Bombay Act III of 1874 has no applicability to it. Section 11 of Act XXIII of 1871 applies only to pensions granted on grounds personal to the recipient and, therefore, it too does not apply to compensation for ábkári rights. (L. R. No. 454, dated 4th August 1875; *vide* G. R. No. 4993, dated 31st idem.)

10. *Compensation to Bombay Municipality.*—The annual payment to the Municipality of Bombay on account of ábkári compensation should be made by the Accountant General in advance on April 1st for the whole year from April 1st to March 31st following. (G. R. No. 3224, dated 21st April 1884.)

11. *Fines and confiscations.*—Proceeds of fines and confiscations should be credited to *Law and Justice*—

(1) when imposed by and realized by Judicial officers, and,

(2) if there should be such cases, when imposed by Revenue and realized by Judicial officers;

and to *Excise*—

(1) When imposed and realized by Revenue officers,

(2) when imposed by Judicial and realized by Revenue Officers.

(G. I., F. & C., No. 1446, dated 30th June 1880; *vide* G. R. No. 3756, dated 20th July 1880.)

12. *Liquor conveyed from one portion of Nagar Haveli to another.*—The Police at the village of Lavacha should not interfere with liquor seized as illicit by Portuguese officers and being conveyed in their charge from one detached portion of Nagar Haveli to another *en route* to the Court which is to adjudicate on it. (G. R. No. 8432, dated 27th October 1892.)

13. *Periods for A'bkári farms.*—It is not desirable that periods for which ábkári farms are granted should all expire on the same date. It is preferable to continue the system as now existing under which some farms are given out in one and some in

another year. (G. Rs. Nos. 4976, dated 11th July 1889, and 3800, dated 2nd June 1890.)

14. *Receipt of A'bkári Revenues by the Mahálkari of Guhágar.*—In modification of the orders contained in Government Resolution No. 4270, dated 7th December 1867, under which the Mahálkari of Guhágar Petha in the Ratnágiri District is specially authorized to receive revenue instalments only on fixed instalment days, he is allowed to receive all the ábkári revenues whenever they are paid. (G. R. No. 5896, dated 20th August 1890.)

15. *Sankheda Mewás.*—For the purposes of entry No. 24 Appendix 26, Civil Service Regulations, the Sankheda Mewás should be considered as a district consisting of more than two tálukas. (G. R. No. 7155, dated 27th October 8818.)

16. *Special permits for possession of liquor in Bombay.*—The Collector of Bombay may issue at his discretion special permits to persons of known respectability, authorizing them to possess during their life-time such quantities of licit country liquor as they may require for private consumption. (G. R. No. 928, dated 21st February 1879.)

17. *Spirits of wine.*—Spirits of wine are required for many purposes in arts and manufactures, and it is absolutely necessary that they should be readily procurable. For the present, however, only the Collectors of Bombay and Poona and the Collector of Salt Revenue (for Uran) should be authorized to issue special licenses to distillers to distil spirits up to any strength on payment of duty laid down in the Indian Tariff Act. (G. Rs. Nos. 112, dated 18th January 1879, and 764, dated 12th February 1879.)

18. *Tenders.*—The practice of the A'bkári Department of calling for fresh tenders for ábkári farms without cancellation of the tenders received at the first invitation should be amended. When fresh tenders are called for, those already made should be formally rejected. (G. R. No. 5497, dated 2nd August 1886.)

19. *Transhipment of liquor from Diu.*—Country liquor exported from Diu for transmission to Lisbon should be allowed to be transhipped at Bombay. (G. R. No. 3175, dated 19th May 1888.)

20. *Translations of Notifications.*—The Oriental Translator to Government should translate the notifications that may be issued from time to time under the A'bkári Act into Maráthi, Gujaráti and Kánarese, and forward the translations to the Superintendent, Government Central Press, to be printed. Copies of the translations should be supplied to the officers concerned in accordance with their requirements, which should be communicated direct to the Superintendent of the Press. (G. R. No. 8113, dated 13th October 1892.)

No 456
23/10/89

BHILS AND BHIL AGENCY.

1. Distraint is not to be had recourse to in the Bhil Agencies except with the cognizance of the Bhil Agent, * who can, if he thinks proper, represent to the Collector the advisability of staying proceedings, and of either granting remissions or allowing further time. (G. R. No. 47, dated 7th January 1874.)

2. It is not desirable to enforce revenue demands in a year of draught by harsh measures, but it is necessary to teach the Bhils to fulfil their engagements, and accordingly remissions should only be granted but sparingly, and every effort should be made in a good year to recover the arrears of a bad one. (G. R. No. 8776, dated 19th November 1889.)

3. A sum of money should be placed yearly in the hands of the Western Bhil Agent for supplying such Bhils as are willing to settle down quietly with bullocks wherewith to plough and grain to sow, on the understanding that the crops are to be considered the property of Government for the purpose of recovering the expenditure incurred, at the rate of one-third the outturn, the remainder being at the disposal of the cultivators themselves, a light plough assessment being paid by the latter in token of their ownership of the land. The cattle should also be branded and considered the property of Government until the advance is repaid.

The system of supplying the Bhils with bullocks in lieu of giving them cash wherewith to purchase them has the entire approval of Government. It is most advisable that these simple people should have as small a command as possible over the disposal of ready money. (G. Rs. Nos. 47, dated 7th January 1874, and 2291, dated 7th May 1874.)

4. The case of Bhils is different from that of other cultivators who may require advances, and loans may be granted to them without interest or security. (G. R. No. 1750, dated 17th March 1877.)

5. Very large sums should not be advanced unless there is a fair prospect of recovering them, but it is not expedient to fix any maximum limit. (G. R. No. 3173, dated 20th April 1885.)

6. No hard and fast rule can be laid down that fresh grants of takávi should not be made to those Bhils who had already once received it and paid it off, and that such loans should not be advanced to those who had for years past cultivated land without receiving assistance from Government. But the proper course for the Bhil Agent to follow is to discourage improvidence and encourge thrift and self-reliance among the Bhils.

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* Whenever it is possible, an Assistant Superintendent of Police will be stationed in Khándesh, and when such officer has passed his examinations, and is otherwise qualified, the duties of Western Bhil Agent should be performed by him. (G. R., P. D. No. 2455, dated 18th April 1890.)

The Bhil Agent should exercise great care and discretion in rejecting applications for fresh takávi advances from the old Bhil cultivators under the Agency. (G. Rs. Nos. 8958, dated 15th December 1890, and 574, dated 26th January 1892.)

7. The Collector of Khándesh is given discretionary power to exempt, as a special privilege, Bhils from assessment on account of the cultivation of alluvial lands. (G. R. No. 3473, dated 5th May 1883.)

8. The Collector of Khándesh may grant land to the Bhils under the Western Bhil Agency either rent-free for a term or at a reduced rate of assessment, a quarterly statement of such grants giving full particulars as to the area of land granted in each instance, its assessment, and the duration of the grant, together with the reasons for the grant, being submitted to the Commissioner. (G. R. No. 5262, dated 1st July 1884.)

9. The lands granted to the Bhils of the Khándesh District on leases at a reduced rate of assessment to keep them from crime should be continued to the lessees or their heirs so long as they cultivate the lands. (G. R. No. 1655, dated 11th March 1882.)

10. In 1868 the Collector of Khándesh issued a circular directing the insertion of a clause in the kabuláyats to be thereafter taken from the Bhils to the effect that a Bhil, to whom land was given free of charge for occupancy right for the purpose of cultivation, should, if he did not desire to retain the land, resign it to Government and should not transfer it to any other person. The acts of the Collector and his subordinates in taking such kabuláyats with effect from the date of the issue of the rules under the Land Revenue Code, are ratified. In future the form of kabuláyat sanctioned in Government Resolution No. 6210, dated 22nd August 1883, should be used in cases where Bhils are allowed to take up land without payment for occupancy right under the existing practice. (G. R. No. 7928, dated 26th October 1883.)

11. The Bhils, to whom Government have granted lands for cultivation in the Khándesh District free of occupancy price, are not entitled to the balance of the sale-proceeds of lands put to sale for the recovery of Government revenue, after the Government demands are satisfied. (G. R. No. 6806, dated 6th October 1887.)

12. The annual report on the working of the Western Bhil Agency in the Khándesh Collectorate should be forwarded to the Foreign Department of the Government of India and not to the Revenue and Agriculture Departments. (G. I., R. & A., No. 391-R-123-5, dated 8th August 1887.)

13. In the annual report on the working of the Western Bhil Agency, Khándesh, the area of land

given rent-free to the Bhils should be shown. (G. R. No. 485, dated 21st January 1886.)

14. The Bhil Agent is authorized to employ a pleader to represent the defendant, when a Bhil is sued in the Civil Court, whenever it appears to him to be desirable that such a course should be followed. Under these circumstances His Excellency the Governor in Council trusts that the High Court will issue orders * to the Subordinate Judges in Khándesh to inform the Bhil Agent when suits against Bhils are filed in their Courts. On the receipt of such information the Agent will in each case decide whether he should employ a pleader to defend the suit on behalf of the Bhil sued. (G. R. No. 6063, dated 24th September 1882.)

15. The provisions of the foregoing Resolution are extended so as to include cases in which Bhils are plaintiffs. The preliminary expense involved by the institution of the suit in the way of stamped paper can be met from the sum allowed to the office of the Bhil Agent as permanent advance, and, in case of the Bhil winning his suit, the money may be possibly recovered as damages from the party sued. (G. R. No. 7253, dated 13th September 1892.)

16. The Subordinate Judges in the Khándesh District should, whenever a decree is passed against a Bhil known to be such, send notice thereof to the Bhil Agent. (Letter from the Registrar, High Court, Appellate Side, No. 1323, dated 25th August 1887, to the District Judge, Khándesh; *vide* G. R. No. 6503, dated 27th September 1887.)

17. The work of Bhil Agent should, as far as possible, be concentrated in purely Bhil villages and with this view separate colonies of Bhils should be established, wherever tracts of waste land are available for the purpose in the western tálukas of Khándesh. (G. R. No. 8776, dated 19th November 1889.)

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* The orders were issued by the High Court in the following letter from the Registrar of the Court, Appellate Side, to the District Judge, Khándesh, No. 1265, dated 20th September 1882:—

"At the request of Government the High Court desires that you will request the Subordinate Judges in your District, whenever a suit is filed against a Bhil, to send a copy of the plaint to the Bhil Agent, in order that that officer may assist the defendant to retain a pleader if he thinks fit to do so. Postage will be paid by service stamps."

(G. R. No. 6869, dated 3rd October 1882.)

No. 657
23/10/99

CASH ALLOWANCES.

I.—Pensions.

1. Section 5 of Regulation II of 1815 declares that all pensions granted to fakirs or other religious persons for the purpose of lighting or repairing mausoleums or mosques and for the performance of religious ceremonies, shall be continued, but that pensions of this description cannot be considered as of a personal nature.

Under Section 16 of this Regulation, a Collector was authorized to adjudicate on claims less than Rs. 100 in amount.

If, while the Regulation was in force, a Collector decided a pension to be continuable under the Section 5 above quoted, Government must recognize that decision as conferring on the pension a right to treatment under the Rules for Permanent Institutions, and not under "the rules now in force" which would dispose of many as personal allowances.

This seems beyond question, but if the Collector to the extent of his authority classed a claim under Section 5 and decided on its continuance, Government would be bound to recognize the allowance permanently, for the personal character of the pension is specifically negatived in Section 5; and Section 15 seems to be merely a provision to prevent the orders of Government being questioned in a Civil Court. The Regulation could not have intended to lay down in one section that a certain class of allowances should be divested of all personal character, and in another of the same Regulation that such pensions were liable to resumption on the death of the incumbents.

(G. R. No. 1414, dated 17th April 1860.)

2. All new entries of the names of claimants to cash allowances should be made by the order of the Assistant or Deputy Collector, on whom will rest the responsibility that no new names are entered otherwise than in accordance with the decisions of competent authority. (G. R., F. D., No. 595, dated 20th May 1867.)

3. In all applications for the grant of pensions to the members and dependants of Sind jághírdárs, whose jághírs have lapsed to Government, information regarding the value of the lapsed jághírs should invariably be supplied. (G. I., F. D., No. 675, dated 31st January 1878; *vide* G. R. No. 829, dated 15th February 1878.)

4. Under the provisions of Sections 5 and 6 of the Pensions Act, 1871, His Excellency the Right Honourable the Governor in Council is pleased to authorize the Deputy and Assistant Collectors of Salt Revenue in charge of Ranges to hear and dispose of claims and grant certificates empowering a Civil Court to take cognizance of claims relating to grants of money payable on the part of Government in the Salt and Continental Customs Revenue Department, and under the provisions of Section 84 of the Bombay Hereditary Offices Act, 1874, His Excellency the Right Honourable the Governor in Council is pleased to confer on the Collector of Salt

Revenue all such of the powers and duties of a Revenue Commissioner and on the aforesaid officers all such of the powers and duties of a Collector under that Act as are necessary for the lawful control of and are applicable to hereditary officers connected with the said Department. (G. N. No. 4247, dated 22nd July 1881.)

5. The following rules framed by the Collector of Salt Revenue with reference to the above notification have the approval of Government.

I.—Under Section 5.

Disposal of claims preferred under Section 5.

1. Claims preferred to a Deputy or Assistant Collector of Salt Revenue under Section 5 of the Pensions Act, 1871, may be either:

(*a*) against Government only, or

(*b*) against Government and one or more private parties jointly, or

(*c*) against private parties only.

Claims falling under class (*a*) or (*b*) shall ordinarily be disposed of by the Deputy or Assistant Collector of Salt Revenue; but whenever any important legal question is involved which those officers may not feel themselves competent satisfactorily to deal with, the Deputy or Assistant Collector of Salt Revenue may, with the previous sanction of the Collector of Salt Revenue, issue a certificate under Section 6 of the Act authorizing the Civil Court to try the case.

Claims falling under class (*c*) shall be disposed of by the Deputy or Assistant Collector of Salt Revenue if the question at issue between the parties is not of a complicated or difficult nature, but if the claimant applies for a certificate under Section 6 of the Pensions Act, 1871, and sets forth satisfactory reasons for such application, or if the question at issue between the parties appears to be of a complicated or difficult nature, or if the claim is one which if awarded could only be enforced by a Civil Court, the Deputy or Assistant Collector of Salt Revenue may issue a certificate under the said Section 6 authorizing the Civil Court to try the case: provided that no certificate shall be issued for any case which could not be decided by the Civil Court in favour of one or more of the parties thereto without making an order or decree such as it is prohibited from making by the said section.

Previous sanction of Collector of Salt Revenue when necessary to final order of disposal.

2. Except in the cases provided for in the last paragraph of Rule 4, no claim, by which the liability of Government to pay any pension or grant is affected directly or indirectly, shall be disposed of by the Deputy or an Assistant Collector of Salt Revenue without first obtaining the sanction of the Collector of Salt Revenue to the order which he proposes to pass.

Reference of claims for enquiry to subordi-

3. Any claim preferred to the Deputy or an Assistant Collector of Salt Revenue under Section 5 of the Pensions Act, 1871, may

be referred by him for enquiry to any officer subordinate to him; but every order for disposing of a claim or for granting a certificate under Section 6 shall be made with the previous sanction of the Collector of Salt Revenue by the Deputy or Assistant Collector of Salt Revenue himself.

Law, &c., to be observed in disposal of claims.

4. Claims relating to pensions or grants are to be disposed of in accordance with

(*a*) the law, if any, for the time being in force applicable to such claims;

(*b*) the terms and conditions of the sanad or other document, if any, under which such pensions or grants are enjoyed;

(*c*) the rules or orders of Government for the time being in force if applicable to such claims.

But if any claim is brought, the subject-matter of which has been already inquired into and disposed of by competent authority, the Deputy or Assistant Collector of Salt Revenue will merely record the fact of such previous decision, and dispose of the claim accordingly.

II.—Under Section 14.

Reference to Civil Court under Section 6 of the Act.

5. Reference to the Civil Court, under Section 6 of the Act, of any person claiming a right of succession to or participation in any pension or grant, or any other right relating to any pension or grant, shall be made in accordance with Rule 1 by the Deputy or Assistant Collector of Salt Revenue granting to such person a certificate in the following form authorizing the Civil Court to try the case set forth in such person's claim:—

Form of Certificate.

Whereas *A. B.* of is desirous of preferring a claim against C. D. of to establish his right to

(Here state clearly the nature of the claim).

This is to certify that I, *E. F.*, $\frac{\text{Deputy}}{\text{Assistant}}$ Collector of Salt Revenue, in charge Range, do hereby allow under Section 6 of the Pensions Act, 1871, that the said claim may be tried by any Civil Court otherwise competent to try the same.

(Signed) *E. F.*,

$\frac{\text{Deputy}}{\text{Assistant}}$ Collector of Salt Revenue.

Dated at this day of 18 .

Official Seal.

(G. R. No. 4247, dated 22nd July 1881.)

6. In exercise of the powers conferred on him by Sections 5, 8 and 14 of the Pensions Act XXIII, 1871, the Commissioner in Sind has, with the approval of Government, framed the following rules* in supersession of the rules and published at pages

* These rules are an adaptation of the rules under the Pensions Act, 1871, made by the Commissioners, Northern, Southern and Central divisions with the approval of Government and publish-

929-930 of the *Bombay Government Gazette* in notification dated 7th November 1873, and of all other rules and orders on the same subject hitherto in force in any part of the Province of Sind :—

I.—Under Section 5.

Disposal of claims concerning service pensions.

1. Claims relating to pensions or gratuities on account of service, whether in the civil, military, naval, or any other department of the administration, are to be inquired into and disposed of in such manner as may be directed in the Civil Pension Code, or in any rules or orders for the time being in force applicable to such pensions respectively.

Extent of applicability of rest of these Rules.

2. Nothing in the rest of these Rules applies to any pension, gratuity or cash payment to which Rule 1 applies.

Disposal of claims preferred under Section 5.

3. Claims preferred to a Collector under Section 5 of the Act may be either—

(*a*) against Government only, or

(*b*) against Government and one or more private parties jointly, or

(*c*) against private parties only.

Claims falling under class (*a*) or (*b*) shall ordinarily be disposed of by the Collector ; but whenever any important legal question is involved which the Revenue Officers concerned may not feel themselves competent satisfactorily to deal with, the Collector may, with the previous sanction of the Commissioner in Sind, issue a certificate under Section 6 of the Act authorizing the Civil Court to try the case.

Claims falling under class (*c*) shall be disposed of by the Collector if the question at issue between the parties is not of a complicated or difficult nature; but if the claimant applies for a certificate under Section 6 of the Act, and sets forth satisfactory reasons for such application, or if the question at issue between the parties appears to be of a complicated or difficult nature, or if the claim is one which if awarded could only be enforced by a Civil Court, the Collector may issue a certificate under the said Section 6 authorizing the Civil Court to try the case. Provided that no certificate shall be issued for any case which could not be decided by the Civil Court in favour of one or more of the parties thereto without making an order or decree such as it is prohibited from making by the said section.

Previous sanction of Commissioner in Sind when necessary to final order of disposal.

4. Except in the case provided for in the last paragraph of Rule 6, no claim by which the liability of Government to pay any pension or grant is affected directly or indirectly shall be disposed of by a Collector without first obtaining the sanction of the Commissioner in Sind.

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ed under Government Notification No. 6849, dated 23rd December 1879 (*vide* Compilation of General Rules, Part IX).

Reference of claims for inquiry to subordinate officers.

5. Any claim preferred to a Collector under Section 5 of the Act may be referred by him for inquiry to any Assistant or Deputy Collector or other officer subordinate to him, and every Assistant or Deputy Collector in charge of tálukas may receive claims on behalf of the Collector and forward the same with his opinion after inquiry to the Collector; but every order for disposing of a claim or for granting a certificate under Section 6 shall be made with the previous sanction of the Commissioner in Sind by the Collector himself.

Law, &c., to be observed in disposal of claims.

6. Claims relating to pensions or grants are to be disposed of in accordance with—

(*a*) The law, if any, for the time being in force applicable to such claims.

(*b*) The terms and conditions of the "sanad" or other document, if any, under which such pensions or grants are enjoyed.

(*c*) The rules or orders of Government for the time being in force if applicable to such claims.

But if any claim is brought, the subject-matter of which has been already inquired into and disposed of by competent authority, the Collector will merely record the fact of such previous decision, and dispose of the claim accordingly.

II.—Under Section 8.

Payments to be for the year commencing 1st May, but may be made in instalments.

7. All payments of pensions or grants are usually to be made in one lump sum for the year commencing on the 1st May and ending 30th April, but applications for their payment by monthly or quarterly instalments may be considered and disposed of by the Collectors, subject to the sanction of the Commissioner in Sind.

Payments of arrears.

8. Pensions and grants, for the payment of which application is duly made at the proper period, will be paid in full, except in the case of payment being suspended, pending the orders of a Civil Court or pending inquiries by Government or by any officer of Government. But if, owing to non-application or other neglect on the part of the claimants, such payments fall into arrears, the pensions or grants will be paid as follows:—

For the current year, in full.		
First year's arrears, in full.		
Second do.,	subject to a deduction of	10 per cent.
Third do.,	do.	20 do.
Fourth do.,	do.	30 do.
Fifth do.,	do.	40 do.

(The current year means the year within which payment is properly due under Rule 13.)

Payment of arrears due to deceased persons.

9. Subject to the provisions of Rule 8, Collectors may authorize the payment of arrears due to a deceased person after such investigation as shall satisfy them—

(*a*) of the actual date of such person's death, and

(*b*) that the applicant is entitled as such person's legal heir, or otherwise, to receive payment.

Pension or allowance not drawn for six years to lapse.

10. Any pension or grant for payment of which no application is duly made for more than six years, is to be struck off the books, and all arrears forfeited.

But in certain cases may be re-admitted.

But if the pension or grant is held under a permanent or hereditary title, it may be re-admitted without payment of arrears if a claim thereto is duly preferred under Section 5 of the Act within twelve years from the date of the last payment.

Date of applications for arrears to be noted.

11. The date on which application for payment was made must be noted by the disbursing officer on all bills for arrears.

III.—Under Section 14.

Place of payment of pensions and grants.

12. Pensions or grants will be paid at the following places, namely :—

(1) If payable on behalf of a religious institution, at the treasury of the district or tâluka in which such institution is situated.

(2) If payable on behalf of a religious institution in foreign territory, at the nearest Government treasury.

(3) If the pension or grant is personal, at the treasury most convenient to the recipient.

Orders for permitting transfers of payment under the above clause (3) will be made by the Collectors if the transfer sought is from one treasury to another within the same Collectorate, by the Commissioner in Sind if the transfer sought is from a treasury in one Collectorate to a treasury in another Collectorate within the same division, and by Government in any other case.

Times of payment.

13. All pensions and grants shall be deemed to be due on the 1st May next after the completion of the year in respect of which they are payable, but shall ordinarily be payable only in the months respectively fixed, or hereafter to be fixed, by or under the orders of Government for payment of pensions and grants of the various descriptions. But when payment in monthly or quarterly instalments has been directed by the Collector under Rule 7, payments will be made in accordance with such direction.

Persons to whom payments are to be made.

14. Pensions and grants will be paid only to those persons whose names have been authorizedly entered in the records as the payees thereof, or to their duly empowered attorneys or mukhtyárs, or, if they are minors, to their administrators.

Life certificates when necessary.

Except as is otherwise provided in Rule 22, payments will be made to an attorney, mukhtyár or administrator only, on his satisfying the disbursing officer by the production of a certificate, signed by a Magistrate or by some other well-known person of respectability, that the payee was living on the last day of the year or other period for which the pension or grant is due.

Payee in case of alienable pensions or grants.

15. In the case of pensions or grants which Government recognize as alienable, the name of the lawful holder for the time being shall, subject to the provisions of Rules 16 and 17, be entered in the records as payee.

Life certificate of original grantee or of his descendants when necessary.

But if any such pension or grant is continuable by Government only so long as the original grantee and certain of his descendants shall be in existence, and the payee has obtained a transfer of the same by sale, gift, mortgage, or the like, such payee must produce at the time of each payment a certificate from the mukhtyarkar of the táluka or mahál in which the original grantee or his descendants reside, or, if their residence be in foreign territory, of some British officer resident in the said territory, that such grantee or his said descendants (who should invariably be named) on whose behalf payment is claimed was or were alive on the last day of the year or other period for which such payment is due.

Mutation of payees' names.

16. Applications for mutation of payees' names in the records shall be received and disposed of by the Collectors.

In the case of alienation and

In the case of a transfer of any pension or grant which Government recognize as alienable, such mutation may be made on obtaining the consent in writing of the existing payee without further inquiry.

in case of death of former payee.

In the case of the death of a payee, the Collector may require the production by the applicant of a certificate of heirship and of such other evidence as he deems fit.

When application for mutation of names may be treated as a claim under Section 5 of the Act.

But whenever there is any dispute between conflicting parties, and whenever the Collector doubts whether the pension or grant is any longer continuable, the application shall be regarded by him as a claim under Section 5 of the Act, and shall be dealt with accordingly.

Mutation of names consequent upon decision of claims under Section 5 of the Act.

Any mutation of names rendered necessary by the decision in any claim under Section 5 of the Act (including applications of the nature specified in the last preceding para. of this Rule) may be made by the Collector without further investigation.

Whose name may be entered as payee.

17. As a rule, the name of one person only will be entered as payee of each separate entire pension or grant.

In the case of joint transferees; and

In the case of two or more joint transferees of a pension or grant which Government recognize as alienable, they must elect which one's name shall be so entered, and in the event of their failing so to do within such period as shall be fixed by the Collector, the Collector shall enter the name of such one of them as he deems fit.

In the case of joint-heirs.

In the case of joint-heirs, the Collector will determine who is the eldest male representative of the senior surviving branch of the original grantee's or of the transferee's family, or, in the absence of male heirs, who is the senior heiress, and enter his or her name as payee: Provided at the request of the person thus entitled to be entered as payee, the name of any other member of the family may be substituted by the Collector for that of the said person during such person's life-time.

Joint payees and separate recognition of sharers.

18. If any pension or grant has been hitherto entered in the records in the joint names of two or more persons, or, if any division of a pension or grant has been recognised, and shares entered separately in the names of the respective co-sharers, such entries may hereafter be continued; but no such new entries shall be made in the records except with the previous sanction of the Commissioner in Sind, which shall be given only under very special circumstances.

But Collectors may, on written application, sanction sub-divisions of pensions or grants by disbursing officers at the time of payment by special written order in each case.

Payments to joint payees when their joint receipt is not obtainable.

19. Whenever, in consequence of disagreements amongst joint payees or for any other reason, their joint receipt shall not be obtainable for any payment already due, the Collector may authorize such payment to be made to any one or more of such joint payees who are willing to pass a receipt.

Payees responsible for proper distribution of pension or grant to sharers.

20. The persons recorded as the payees of pensions or grants, and the persons to whom any payment may be made under the last preceding Rule, are not necessarily entitled to appropriate the whole of such pensions, grants or payment to themselves, but are responsible for distributing the same to all co-sharers or sub-sharers in the proportions to which they are respectively entitled.

Preparation of descriptive rolls.

21. Except, as is otherwise provided in Rule 22, a descriptive roll in the form of Appendix A shall be kept by the disbursing officer of every payee entitled to receive payment of a pension or grant from him. A copy of such roll under the disbursing officer's signature shall be furnished to the payee for production by him at the time of each payment, which shall be noted therein in the manner shown in the form.

Inquiries into identity of claimants.

The person applying for payment must be identified by comparison with the particulars given in the descriptive roll, and the disbursing officer should take every precaution against fraudulent personation. When the payee can write, his signature should, at the time of payment, be compared with that in the descriptive roll in the disbursing officer's possession.

Descriptive rolls and life-certificates may be dispensed with in certain cases.

22. Descriptive rolls and life-certificates may be dispensed with in the case of natives of rank and pardah-posh ladies; but the disbursing officer will not on that account be exempt from the general responsibility which necessarily attaches to all payments.

Descriptive rolls will not be necessary in the case of pensions or grants on account of native religious or charitable institutions which are paid to "Panches" or committees or other representatives of these institutions, nor in the case of payees of allowances which have been declared to be continued hereditarily.

Printed lists to be kept of sanctioned pensions and grants.

23. The Commissioner in Sind will prepare under his signature lists, in English and in the vernacular, of all pensions and grants in each Collectorate in the Province of Sind, and furnish printed copies thereof to the mukhtyárkars, the Collectors, their Assistants and Deputies, the Accountant General and to Government.

Quarterly Correction Statements to be submitted to the Commissioner in Sind.

24. A quarterly statement of all proposed alterations in or additions to the said lists in consequence of decisions or orders passed during the preceding 3 months affecting the same, shall be submitted by each Collector on the 1st January, 1st April, 1st July and 1st October to the Commissioner in Sind who after scrutiny will countersign the same and direct that the lists in his own office and in the various offices in the Collectorate shall be corrected accordingly. A copy of the statement so countersigned shall also be sent to the Accountant General, who shall correct his lists in accordance therewith.

No pension or grant shall be entered in, or struck out from, the accounts or the said lists, except with the previous sanction of the Commissioner.

Accounts to be kept by disbursing officers.

25. Disbursing officers will, on the 1st of May of each year, or as soon after as possible, prepare a ledger (khátewahi) agreeably to the Táluka Form* No. 21 contained in Hope's Manual of Accounts, and will keep a book in the Táluka Form No. 12 contained in that Manual, and will be held responsible for the correctness of the entries in the ledger and book and for their being properly filled in from time to time.

Issue of "sanads" to payees of pensions and grants.

26. "Sanads" in the name of the Secretary of State for India in Council will be executed by the Collectors as authorized in the Government of India's Resolution No. 684, dated 31st May 1878, Home Department (*vide* Government Resolution No. 3518, dated 14th June 1878, Judicial Department), in favour of the payee or payees for the time being of every pension or grant in respect of which the issue of such "sanads" has been or may hereafter be sanctioned by Government. Such "sanads" will be issued once for all, and "sanads" already issued by the Commissioner in Sind or by Collectors, or by any other officer authorized by Government in this behalf, shall be deemed to have been issued under this Rule.

The terms and conditions to be inserted in these "sanads" will be such as Government may from time to time authorize, or as may already have been so authorized.

Registers of "sanads" to be kept.

27. Registers of these sanads will be kept by each Collector, and a general register by the Commissioner in Sind.

Which shall be open to inspection, &c.

The said registers shall be open to public inspection during office hours, and extracts from the same shall be obtainable, subject to the same rules and to the payment of the same fees as apply to the case of registers of the documents mentioned in clause (*d*), Section 90 of the Indian Registration Act, 1877.

Reference to Civil Court under Section 6 of the Act.

28. Reference to the Civil Court under Section 6 of the Act of any person claiming a right of succession to or participation in any pension or grant, or any other right relating to any pension or grant, shall be made in accordance with Rule 3 by the Collectors, granting to such person a certificate in the form of Appendix B authorizing the Civil Court to try the case set forth in such person's claim.

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* No. 23 in the revised edition.

APPENDIX A—(See Rule 21.)

Form of Description Roll.

Running Number.	Number in the Alienation List or Khatáwahi.	Name.	Caste or Sect.	Residence.	Personal identification.	Height.	Age at the date of preparing the Roll.	Monthly, Quarterly, Half-yearly, or Yearly, Amount.	How long continuable.	Signature of the party whose Descriptive Roll is prepared.	Signature of Witnesses of identification.	Signature of the Officer before whom the Descriptive Roll is taken.	Date of preparing the Roll.	REMARKS.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

PAYMENTS.

When paid.	For what period.	Amount	To whom paid.	Signature of the Disbursing Officer.	When paid.	For what period.	Amount.	To whom paid.	Signature of the Disbursing Officer.	When paid.	For what period.	Amount.	To whom paid.	Signature of the Disbursing Officer.

APPENDIX B.—(See Rule 28).

Form of Certificate.

Whereas *A.B.* of is desirous of preferring a claim against *C. D.* of to establish his right to

(*here state clearly the nature of the claim*)

This is to certify that I, *E. F.*, Collector of , do hereby allow, under Section 6 of the Pensions Act, 1871, that the said claim may be tried by any Civil Court otherwise competent to try the same.

(Signed) *E. F.*,
Collector.

Dated at
this day of 18

Seal of the Collector.

(Notification by the Commissioner in Sind, No. 5753, dated 14th December 1881; *vide* G. R. No. 7171, dated 28th November 1881.)

7. Sharers of sub-divisions of a pension or grant are not joint payees. Rule 19 contemplates two sorts of payees, those persons to whom the whole of a pension or grant is payable jointly and not in shares. These persons can together, that is, jointly, receive payment in a lump sum. Rule 19 also contemplates persons to whom a pension or grant is

payable separately in distinct individual shares, and therefore not jointly in a lump sum. The rule provides that if these shares have been recognized and the shares registered separately in the names of the representative co-sharers, these entries shall hold good. Further, the Collector has power to direct the disbursing officer to sub-divide a pension or grant at the time of payment.

Rule 20 applies only to the first sort of payees and not to co-sharers, whether those who are registered sharers or those who have special permission in writing from the Collector. This rule provides that the lump sum, otherwise payable to two or more persons jointly, may, under certain circumstances, be paid to one or more only of such joint payees.

Rule 21 following provides that the recorded joint payees to whom the lump sum has been paid or those of such joint payees to whom under the last preceding rule the lump sum has been paid, shall be responsible for the proper distribution of the said lump sum.

One or more of several joint payees having an interest in the entire pension or grant may obviously be allowed to receive payment on behalf of the others; but when the shares are separately registered, why should one or more sharers be allowed to take the shares of the others in which they have no concern or interest.

Rule 19 provides that the Collector may allow the disbursing officer to make the sub-division. It follows the disbursing officer must pay each sharer his own share separately according to the sub-division.

(L. R. No. 539, dated 2nd April 1881; *vide* G. R. No. 2699, dated 14th May 1881.)

8. It is not seen what objection there can be to the payment of a sub-share under the Collector's special written order being made to the applicant and entered in his name whether the registered payee appears or not 'at the time of payment.' There is nothing in Rule 19 which prohibits such payment and entry. The words 'no such new entries shall be made in the record' in the first paragraph of the rule refer to entries 'which may hereafter be continued,' that is to say, permanent or continuous entries, and these, of course, require the sanction of the Commissioner. But a single payment, to be made once, under a special order, at the time of a particular payment, can, on the authority of that order, be entered by the disbursing officer against the name of the applicant.

Rule 15 requires the payment of pensions or grants to be made only to those persons whose names have been authorizedly entered in the records as the payees thereof. The Collector's written special order sanctioning a sub-division should expressly authorize for that one occasion the entry of the name of the payee of the sub-share and the consequent payment to him.

(L. R. No. 718, dated 20th June 1881; *vide* G. R. No. 3843, dated 2nd July 1881.)

9. Section 8 of Act XXIII of 1871 (Pensions Act), provides that all pensions or grants by Government of money or land revenue shall be paid in accordance with the rules prescribed by the Chief Controlling Revenue Authority. The rules which have been prescribed relate to the payment of pensions and grants which are made in cash by the Collector or the Deputy Collector or other authorized disbursing officer. These rules are not applicable to the payment of dues collected by village officers and payable to the superior holder of an alienated village, and which the superior holder may with the Collector's consent recover direct from the inferior holders in default of payment by the village officers. (L. R. No. 469, dated 20th April 1882; *vide* G. R. No. 2758, dated 27th idem.)

10. The rules framed under the provisions of the Pensions Act regarding the payment of pensions and grants, should be considered as strictly applicable to registered pensions and grants, the subdivision of which Government consider it desirable should neither be countenanced nor given effect to, beyond giving the Collector a discretionary power to allow disbursing officers to make sub-division at the time of payment.

The particular rule which authorizes the Collector to exercise this discretion should not be applied to doubtful cases, or to sharers whose claims are resisted and denied by the registered holders of the pension or grant.

The Act and the rules made thereunder contain ample provision for the disposal of claims relating to any pension or grant. (L. R. No. 490, dated 27th April 1882; *vide* G. R. No. 3331, dated 20th May 1882.)

11. Rule 11 of the rules made under the Pensions Act, 1871, is not applicable to the case of minors, and payment of arrears should be authorized under Rule 10, notwithstanding no application for payment has been made for more than six years: provided the Collector is satisfied that the minor, on whose behalf the application is made, is the legal heir of the deceased person to whom the arrears are due.

2. Section 6 of the Limitation Act, 1877, provides that nothing contained in that Act shall affect or alter the *period specially prescribed* by any special or local law; but this provision does not bar the exemption in favour of minors which is provided in the next following section, and which is applicable to all cases of applications made under any general, special or local law for which a period of limitation is prescribed either by the Limitation Act or by the law itself.

(L. R. No. 1268, dated 23rd September 1882; *vide* G. R. No. 7165, dated 13th October 1882.)

12. A cash allowance payable to two persons, A and B, was disbursed to them in alternate years,

so that if A received payment of the whole allowance during 1882, the other became entitled to receive it during 1883, and so on. A not having presented himself before the Mámlatdár to demand the money payable when his turns came, it remained unpaid for over six years. The other co-sharer B had, however, received payment of the allowance during the years in which it was payable to him according to the arrangement mentioned above. A having subsequently appeared and demanded payment of the money which he had not been able to receive for more than six years, the question was raised whether Section 11 of the rules published under Government Resolution No. 6849, dated 23rd December 1879, should be strictly applied to the case. The following opinion (No. 1650, dated 18th December 1882) recorded by the Remembrancer of Legal Affairs was circulated by Government to all Collectors and Commissioners :—

> "It appears that the pension receivable by A and B in alternate years is one and the same pension. B has duly applied for and received the pension in the years in which he was entitled to payment and his applications should, I think, be held to have kept the title to the pension both of himself and of A alive. The terms of No. 11 of the rules under Section 8 of the Pensions Act do not apply to the case any more than they would be applicable if A and B were one and the same individual who for some reason of his own had neglected to apply for payment in alternate years. Rule 9 is, I think, the only rule that can be fairly applied to the case."

(G. R. No. 22, dated 3rd January 1883.)

13. The Collector of Bombay is authorized under Section 5 of the Pensions Act XXIII of 1871 to investigate claims to fazendári allowances and other similar claims payable in Bombay. Rules and orders issued from time to time under the Pensions Act will be communicated to him. (G. R. No. 909, dated 9th February 1887, and G. M. No. 1381, dated 4th March 1887.)

14. It has been held by the High Court that Rule 16 of the Rules under the Pensions Act, 1871, does not apply to rights acquired to pensions before the Act came into force, as there is nothing to show that the Legislature intended it to have retrospective effect. (G. R. No. 7309, dated 28th September 1889.)

15. An application to be furnished with a certificate under Act XXIII of 1871 (Pensions Act) in order to enable the applicant to claim in the Civil Court the amount of certain haks due to him from the Inámdár and the village officers of a certain Inám village in the Poona District, was refused by the Collector on the strength of the ruling in Government Resolution No. 477, dated 17th January 1885, that Sections 4, 5 and 6 of the Act are not applicable to haks payable by Inámdárs; and the Collector's decision was confirmed by the Commissioner. The applicant then filed a suit in the Civil Court. The District Judge came to the conclusion that a certificate was necessary, and granted two

months' time to enable the applicant to procure it. On the matter being referred to Government for orders, the Remembrancer of Legal Affairs was consulted, and the following opinion recorded by that officer was circulated by Government to all Collectors and Commissioners:—

"The question whether the Pensions Act applies to haks payable direct by Inámdárs is not free from doubt. But as the District Judge holds that it does apply, there is no reason for combating that opinion, and if there is no other objection to the grant of the certificate which the plaintiff asks for, it may, I think, be granted."

(G. R. No. 8718, dated 17th December 1891.)

16. A question having been raised whether clause (*b*) of Rule 10 of the Rules under the Pension Act empowers Collectors to authorize the payment of the arrears of pension due to a deceased pensioner, if he has no legal heir, to the person who bears the expenses of his or her burial, it was directed that in such cases the Collectors may make payments at their discretion provided that the amount paid does not exceed the burial expenses incurred by the payee. (G. R. No. 1441, dated 27th February 1892.)

17. The applicability of Act XXIII of 1871 depends upon whether a grant is essentially one of land revenue merely or whether it is a grant of the soil. If it is a grant of the soil, *i. e.*, of the free hold or proprietary right therein, then as was held in *Raoji Narayan Mandlik* vs. *Dadaji Bapuji Desai* (I. L. R., 1 Bom., 523) the Act does not apply to it. But if it is essentially a grant of land revenue only, then the Act is applicable to it, as was held in *Ramchandra Maruti* vs. *Venkatrao and B. Mantri* (I. L. R., 6 Bom., 598). The incidental rights which accompany a grant cannot be held to override the plain intention of Act XXIII of 1871, if the grant is a grant of land revenue only. The latter point has been very clearly decided by the High Court of Madras in *Rama* vs. *Subba* (I. L. R., 12 Mad., 98), which was a case of a grant of land revenue coupled with the power of collecting it. (L. R. No. 512, dated 4th April 1892; *vide* G. R. No. 3369, dated 12th idem.)

18. The decisions at I. L. R., 1 Bom., 75; I. L. R., 1 Bom., 523, and I. L. R., 7 Mad., 191, show conclusively that the Pensions Act, 1871, is inapplicable to a grant of a village in Inám. (L. R. No. 316, dated 23rd March 1893; *vide* G. R. No. 3541, dated 15th May 1893.)

II.—DEVASTHÁNS AND OTHER RELIGIOUS ALLOWANCES.

1. The allowances to temples and other religious institutions formerly paid from the Khasgi or private funds of the Rája of Sátára and transferred by him to the public treasury in 1841, should be continued. Such items as were bestowed on individuals, and any others not partaking of the nature of permanent grants, should be resumed. (G. R. No. 863; dated 1st March 1862.)

2. The revenues of the State should not be thrown away on shrines or temples which are deserted. (G. R. No. 945, dated 7th March 1862.)

3. Allowances on account of "Shivrátri," "Nowratri," "Rámnavmi," "Janmashtami" and other special ceremonies, and other similar allowances regarding which doubts as to whether or not they are *bonâ fide* temple grants may arise, should be subjected to a deduction of one-third, and the remainder continued as permanent temple grants. (G. R. No. 2884, dated 25th August 1863.)*

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* The Resolution was passed by Government in reference to a question raised by the Revenue Commissioner, N. D., in connection with the orders passed in Government Resolution No. 4309, dated 27th November 1862, on the general subject of cash alienations in Gujarát. The Resolution of 27th November 1862 is quoted below for ready reference :—

"The work of the Alienation Department in Gujarát has hitherto been mostly experimental, but the character of the several descriptions of grant has been ascertained, and little more information now remains to be collected. The settlement, therefore, should be prosecuted diligently on rules based on the experience obtained.

"2. The principal classes are below disposed of :—

Emoluments of Hereditary District Officers.

"3. The work to be done under this head is to prepare in every táluka an accurate record of the emoluments of each vatan or office, whether in land or in cash. The record should also show the date of every former enquiry, the names of the persons by whom the vatans are now held, and all other particulars.

Gameti Hissa.

"4. These are usually of a permanent character, and should be continued in the terms of the agreements under which they are held. If the terms of the agreements are found to be still observed, nothing further is required.

Devasthán (charged on the Huzúr or Táluka revenue).

"5. The past policy and proceedings of Government in regard to devasthán allowances or impersonal grants to temples and religious institutions are well summarized by Mr. Peile in the 12th to 27th paragraphs of his report. His Excellency the Governor in Council concurs with the Revenue Commissioner, Mr. Mansfield, in opinion that, giving due consideration to these past proceedings, an enquiry into titles should be waived in the case of all *bonâ-fide* temple grants which were submitted to the notice of Government at the beginning of British rule, and have since been deliberately continued.

"6. The records of former proceedings described by Mr. Peile should be carefully compared with the present payments, and a detailed report of the result should be submitted to Government through the Revenue Commissioner. The payments or grants should be recorded in the names of the temples and distributed to such agents as hold sanads empowering them to receive the money, or who may from time to time be appointed by the Committees, or by the persons who are recognized as the recipients of the money or managers of the temples.

Dharma'da'ys and Varsha'sans, (payable from the Huzur or Táluka Treasuries.)

"7. Mr. Peile has shown that in the earlier period of our rule in Gujarát, as elsewhere, personal charitable allowances were treated quite differently from grants to temples. The Governor in Council considers that the 'amended rules of 1842,' if a liberal interpretation be placed on the evidence available, are sufficient. These rules have been generally applied to the same

class of allowances in other districts, and are not inconsistent with the previous policy of Government in Gujarát.

Village Devastha'ns.

" 8. The village devasthán usually originated in grants by village officials from the village funds. In stating that these devasthán grants are as old as the villages themselves, Mr. Mansfield appears to have had in view only the 'Gaom Dev,' or village temple, founded when the village was established. He has overlooked a number of grants subsequently obtained by the managers of other temples from the Pátels who, until quite recently, had the management of village funds. It was owing to the change in the revenue system that direct payments were commenced from the Government treasuries, and the method already sanctioned for the treatment of these devasthán is intended to restore the management of the funds to the village communities, and remove all entries on account of them from the Government books. An exception should be allowed in favour of the village temples, which, from their antiquity and co-existence with the village itself, are fairly entitled to a continuance of the ancient contribution from the revenues of the villages in which they are situated.

Village Dharma'da'ys.

" 9. The holders of these, whether their future titles be decided under the amended rules of 1842, or on an equitable consideration of their claims on the State, cannot be entitled to more than a continuance of their allowances for life. When the survey is about to be introduced into a district, it is better to buy up the remaining allowance according to the scale sanctioned for life holdings.

" 10. Of the other allowances described by Mr. Peile, two items, viz., the compensation to Hakdárs and that to the Dhollera Grassias, require no remark. They have been already disposed of.

Kothlisánth.

" 11. The allowance called 'Kothlisánthi' are properly rents or profits derived from lands now held by Government but which were either the property of the sánth holders, or mortgaged to them by the village officers responsible for the Government dues, who, instead of allowing the mortgagees to remain in possession, resumed the land, and charged the village revenues with these annual allowances or sánths.

" 12. The Governor in Council concurs with the Revenue Commissioner in considering these allowances to be entitled to the same consideration as if the holders had remained in possession of the lands for the deprivation of which this compensation was granted. All such allowances, therefore, if plainly stated in the earliest extant account, to be held in exchange for lands resumed, (whether the land can now be identified or not,) and since paid without objection, should be continued on the terms on which the lands for which they were exchanged would now be continuable, provided that whenever by the terms of a mortgage-bond a sánth can be redeemed, or whenever owing to circumstances it is advisable to restore the land originally taken, the Revenue Commissioner should exercise his discretion so as to get rid of the annual money payment, if this can equitably be done.

" 13. All small Kothlisánths under Rs. 2 should be disposed of by payment of the present valuation, and holders of larger sums should be encouraged to accept the same terms.

" 14. Whenever there is no proof that land has been taken by Government in exchange, the recognition of the grant as a sánth should be disallowed, and payment should cease on the death of the present holder, unless a claim to longer continuance under any other rules be made out.

" 15. In settling this numerous class of allowances by the above rules, the Revenue Commissioner should be careful to economise labour by having all ordinary cases reported to him in a tabular or other succinct form, special cases only being submitted to Government. A record should be kept showing the

house, cannot be considered *bonâ fide* temple grants and should be dealt with as personal grants to the

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proportion which these payments bear to the present value of the land for which they were exchanged.

"16. With respect to the kothlisánth allowances in the Mullik villages, the Governor in Council considers that the settlement of them should take place simultaneously with the revision of assessment in these villages.

Girás.

"17. Government did not initiate these payments, but found them, on obtaining possession of the country, generated by the disorders of the previous rule. The holders were treated with unexampled indulgence, but the peace of the country called for the policy then adopted, and faith should now be kept with their descendants, although they are no longer dangerous to the State. This the Governor in Council is prepared in the strictest sense to do, but he cannot allow that a tax at first so irregularly imposed on the community should now be extorted by the aid of legal proceedings from the public purse by others than those in whose favour the original arrangements were made, or that Government should be compelled to continue its good offices between the Grássias and the village communities in a manner to which it never pledged itself. It should, therefore, be publicly declared in every táluka, as the revenue survey settlement is introduced, that the new rates of assessment do not include any such collections, and that Government will in future not aid or take part in the collection of Grássias.

"18. In thus placing the Grássias in the same position with respect to the village communities which they originally held, the Governor in Council cannot allow them to resort to other than legal means to enforce their claims, and if any village communities decline to accede to the Grássias' demands, the latter must resort to the Civil Courts. At the same time the Governor in Council is not unwilling to make some sacrifice of revenue in order to relieve the Grássias from the necessity of resorting to law, and he is prepared, whenever the Grássia may be willing to receive from Government his present income, instead of collecting it direct from the villagers, to continue that income to him under such reasonable rules and restrictions as it may seem fit to Government to impose.

"19. The conditions on which this arrangement will be entered into are that the Grassia shall consent to abandon for the future his claims against the village communities, and in return the allowances he has hitherto enjoyed shall be continued by the State hereditarily (during good behaviour) to the male issue of the first person who receives the girás from the British treasury. The girás, or any portion of it, may further be continued to the lineal male issue of a brother of the first British recipient, in any case in which on enquiry the Revenue Commissioner may find that hardship would be felt by the discontinuance of the girás. If in any case, however, the allowance has been enjoyed on condition of service, that condition of service will not be abandoned, although it is not expected that such service can now be taken with advantage to the public.

"20. The amount of the allowances which will thus be paid shall in future be the sum as ascertained from the earlier records to be the original net payment to the Grássia, all extra payments or fees being discontinued. The only exception to this rule is the class of dharmádáys in Broach, which His Excellency in Council perceives to have been in some cases assigned by Grássias out of their allowances. If the connection with the girás be clearly traced, the amount should be added to the girás, and the recipient referred to the Grássia. If, on the other hand, the connection is not traceable, the allowance should be adjudicated under the amended rules of 1842.

Salámi and Khichri.

"21. The allowances known as salámi or khichri are hereditary, and should be so settled.

Moghlái Jághír.

"22. The Moghlai jághír allowances are peculiar to Surat. They are not numerous, but are of large amounts, and generally

individuals in whose houses the offerings are made. But this order is not to apply to cases already adjudicated on. (G. Rs. Nos. 621, dated 28th February 1863, and 452, dated 2nd February 1865.)

5. Government approve of the action of the Revenue Commissioner, N. D., in continuing permanently as devasthán grants certain allowances in Gujarát held on account of idols situated in private dwelling-houses, because they have been entered as such (and so continued ever since) in the early records, which Government have declared to be sufficient authority for their continuance, and also because the Hindu community is admitted to the worship of the idols just in the same way as in other cases. (G. R. No. 1160, dated 20th March 1865.)

6. Allowances held on behalf of devasthán in private dwelling-houses should be entered in the accounts as hereditary and continued for so long as there may be in existence any heirs of the original grantees, or of the earliest recorded recipients, in cases in which decisions declaring the grants to be permanent have been passed. Where such decisions have not been passed, the allowances will appear in the accounts under the heading "not specified", which includes all grants the tenure of which has not yet been finally determined. (G. R. No. 2626, dated 21st June 1865.)

7. There would be no anomaly in keeping the former subha summundhi devasthán of Rs. 5 and under as payments from the district treasury, the fact being that they were always paid from the district, while the gám summundhi were originally paid from the villages, and there would be no objection on the ground that village summundhi small sums will again be paid from the village, were small payments of subha summundhi to be continued from the district treasury. But as it is convenient to the Account Department to get rid of small payments from the district treasuries, and

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involve questions which require special treatment. Separate reports on these cases should, therefore, be submitted to Government.

"23. With regard to the Moghlái haks or allowances belonging to the late Naváb, extract paragraphs 46 and 47 of Mr. Peile's report should be transferred to the Political Department; the Bukhshi's allowances having, as reported by the Revenue Commissioner, been already disposed of in that Department.

Gamti Sirpáv.

"24. The few cases under this head should form the subject of one general report, upon which the instructions of Government will be issued.

Life Property.

"25. Regarding the life payments referred to in paragraph 53 of Mr. Peile's report, specific instructions are not at present called for. If special cases requiring the orders of Government should arise, separate reports should be made.

"26. The Governor in Council trusts that those instructions will enable the Revenue Commissioner to bring speedily to a conclusion the enquiry into the cash alienations of Gujarát."

convenient to the recipients to be saved the journey for small amounts, it will be better to transfer for payment through the Pátels all amounts of Rs. 5 and under. Care must be taken to give the recipients a sanad recording that the allowances were formerly subha summundhi, and are now and henceforth to be paid through the Pátel. (G. R. No. 4662, dated 12th December 1868.)

8. The disbursement of all devasthán allowances of Rs. 5 and under may be entrusted to the hereditary Pátels.* But care should be taken to let the managers and others know the sums they are entitled to. Government do not want to resume any of the village petty devasthán allowances amounting to Rs. 5 and under, on the ground that the holders have not received payment within six years, but prefer to leave it to the Pátel to expend the amount himself towards the devasthán, if the holder be not present, he (the Pátel) remaining personally responsible to the holders for such expenditure or for non-payment in time, &c. The Pátel need not show the amount in the village books, nor keep any account further than is necessary for him to save himself from any civil action. Government will not trouble themselves any further after the sum is once paid from táluka treasuries to the Patels. (G. Rs. Nos. 2762, dated 10th June 1870, 1892, dated 10th April 1874, and 2960, dated 11th June 1874.)

9. In cases where these petty devasthán allowances are paid to hereditary Pátels, a case requiring the operation of Rule XI of the Pension Rules is not likely to occur, as Government divest themselves of all responsibility as regards the allowances after they are once disbursed. But when there is no hereditary Pátel in the village in which a religious institution is situated, the payment of any grant pertaining to it, whether it exceeds Rs. 5 or not, is to be made under the rules at the treasury of the district or táluka in which the village is situated. In such cases, Rule XI of the Pension Rules of course applies, and under it any pension or grant, whatever be its amount, for payment of which no application is duly made for more than six years, should be struck off the books and all arrears forfeited. (G. R. No. 3625, dated 5th May 1885.)

10. Before Government Resolution No. 3625, dated 5th May 1885, is applied, at least a three months' notice should be given to the holders of the allowances, so that they might claim the arrears within the notified time, failing which the allowances should be struck off. (G. R. No. 929, dated 4th February 1886.)

11. Payments on account of devasthán allowances should be made in accordance with the rules under the Pensions Act. (G. R. No. 8649, dated 14th November 1889.)

* See also Rule 13 of the Rules under the Pensions Act, 1871, Compilation of General Rules, page 298.

12. Government do not wish to have anything further to do with temple grants than merely to hand them over to the recognized or legal recipients whenever they appear and apply for them. If contending parties assert that they are the legal recipients, the Collector should not enter into or listen to their discussions, but should refer them for redress and settlement to a Civil Court. Any interference or connection with native religious establishments on the part of Government servants (excepting the mere payments of trust monies to the legal representatives) is in direct opposition of the orders of Government. (G. R. No. 4712, dated 29th November 1864.)

13. It is not the duty of Government to consider the propriety of the life and conduct of the recognized manager for the time being of a temple endowment. (L. R. No. 915, dated 29th July 1882; *vide* G. R. No. 5686, dated 22nd August 1882.)

14. The non-interference with temple endowments has reference not to the recognition of a proper claim to receive the allowance but to the mode in which the allowance when received is expended. (G. R. No. 6216, dated 31st July 1885.)

15. Government and their officers are precluded from taking any part whatever in the nomination or appointment of any trustee or manager of religious endowments by Section 22 of Act XX of 1863, which is by its terms of general application throughout British India, though the rest of the Act has not been extended to any part of this Presidency except Kánara (Bombay Act VII of 1865). Nor can the validity of an election be scrutinized by Government or their officers. (L. R., Nos. 1268, dated 24th November 1888, and 1145, dated 5th September 1889; *vide* G. Rs. Nos. 8593, dated 24th December 1888, and 7982, dated 21st October 1889.)

16. The Collector of Ahmedabad is authorized to exercise the powers named in Section 539, Civil Procedure Code, in the case of the religious endowments of the old mosques in Ahmedabad. He should, however, follow the usual rules relating to suits to which Government or a Government officer is a party, in respect of any suit which he proposes to institute, that is, the proposal should be referred through the Remembrancer of Legal Affairs with full details for the orders of Government before any plaint is filed, and all subsequent proceedings should also be governed by the same rules. (G. R. No. 3645, dated 28th May 1891.)

17. Bombay Act VII of 1865 having extended the provision of Act XX of 1863 of the Government of India to the district of Kánara, the following rules were framed by the Collector of that district, with the approval of Government, for the management of the religious endowments in that district:—

I.—The Committees contemplated in Section 7 of Act XX of 1863 shall be composed of members to be nominated by the Collector of Kánara and appointed by Government. Written notices, in the vernacular, of the appointments so made should be communicated to the Mámlatdár, who should post a copy at his kacheri, and a few more at conspicuous parts of the town.

II.—On the occurrence of a vacancy, the remaining members of the Committee shall forthwith give public intimation of such vacancy by a notice to be posted at the Mámlatdár's kacheri, and by causing a written or printed notice thereof to be affixed to some conspicuous place in each religious institution under their management.

III.—The notice shall set forth the name of the member in whose stead a new member is to be elected, the date on which the vacancy occurred, and the place, day, and hour fixed for the election by the remaining members of the Committee.

IV.—The place of the election shall be the principal religious institution under the management of the Committee, or the kasba town of the district, or of the táluk, in which the institution, where the vacancy occurs, is situated.

V.—The day to be fixed for the election shall not be earlier than one month, or later than three months, from the date on which the vacancy occurred, and within those limits shall, as far as practicable, be so fixed as to enable persons living within the jurisdiction of the Committee, and entitled to a vote at the election under Rule XIII, to attend and vote for a new member.

VI.—The voting shall commence at 6 A.M. and close at 5 P.M. of the day fixed for the election.

VII.—The remaining members of the Committee shall appoint a sufficient number of respectable and trustworthy persons as tellers to receive and register the votes of the electors. No person shall be appointed a teller who is himself a candidate for the vacant office, or the agent of such candidate.

VIII.—The remaining members of the Committee shall make such arrangements for taking the votes of the electors as will admit of all voters having reasonable time and opportunity to register their votes within the hour fixed, and shall appoint not less than two tellers to each office where the votes may be given. Each elector shall declare to the tellers in writing the name, residence, occupation, or other description, of the person for whose appointment he votes, as well as his own.

IX.—The tellers shall immediately enter the names, &c., of the elector and his nominee in a book which shall be provided for the purpose by the Committee, and shall require the voter to attest the registry by signature or mark. The vote-papers shall also be duly filed by the tellers.

X.—The books of registry shall be in the annexed form, and at the close of the voting shall be signed by the tellers who took the votes therein registered.

XI.—The result of the election shall be declared by the remaining members of the Committee within twenty-four hours after the closing of the voting.

XII.—A notice containing the result of the election, and signed by the remaining members of the Committee and the tellers, shall, without delay, be published by notices to be posted in the Mámlatdár's kacheri, and affixed to some conspicuous place in each religious institution under the management of the Committee.

XIII.—The registry book of votes and files of voting papers shall be kept open for the inspection of the electors for a fortnight after the result of the election has been declared in a convenient place at the town where the election took place, and shall be carefully preserved by the Committee among their records.

XIV.—The following persons will be entitled to vote at elections of members of Committees :—

(1) Owners of lands situated within the jurisdiction of the Committee, and paying an annual revenue to Government of not less than Rs. 20.

(2) Owners of landed property, situated as aforesaid, wholly or partially exempted from the payment of revenue to Government, but which, if not so exempt, would be liable to an annual payment of Rs. 20.

(3) Owners of house property, situated as aforesaid, of the estimated value of Rs. 250 and upwards.

(4) Occupiers of houses, situated as aforesaid, of the annual rental of Rs. 50 and upwards.

(5) Persons in the employment of Government on salaries of Rs. 150 per annum and upwards, or in the receipt of pensions from Government of the like amount.

(6) Possessors of private property income to the amount of Rs. 150 and upwards.

(7) Persons supporting any religious endowment under the management of the Committee by annual payments of not less than Rs. 50 or a donation of Rs. 500.

(8) Graduates of any University who have resided for six months prior to the election within the jurisdiction of the Committee.

(9) Any person not qualified as aforesaid, and claiming to vote, must establish his right to the satisfaction of the Committee:

Provided always that no persons shall be entitled to vote at any election unless he professes the religion for the purposes of which the institution

under the management of the Committee was founded or maintained, and is interested in its maintenance, and is not a minor.

Provided also that no person shall be entitled or allowed to vote unless he has been registered as a voter at least seven days before the occurrence of the vacancy at which he desires to vote.

XV.—Every Committee shall keep a register of voters, in which shall be entered the name, occupation, or other description and qualification, of every person entitled to vote at their elections; and every person satisfying the Committee that he possesses the qualifications hereinafter mentioned shall be entitled to be registered as a voter, and be furnished with a copy of the entry of his name, &c., in the register.

XVI.—No person shall be entitled to more than one vote for each vacancy.

XVII.—Voting by proxy shall be allowed only in the case of absentees supporting institutions under the management of the Committee by annual payments of Rs. 500 or upwards, or donations of Rs. 5,000. The authority produced by the proxy must have been executed before a public officer not below the grade of Mahálkári, and attested by him.

XVIII.—Voters proved to have wilfully registered more than one vote for each vacancy shall thereby be disqualified for again voting, and their names shall be removed from the register.

XIX.—The person who receives the largest number of votes shall be declared duly elected as a member of the Committee, and, in the event of two or more persons having an equal number of votes, the selection shall be determined by lot.

XX.—Any person proved to have given directly, or indirectly, any valuable consideration whatsoever in return for a vote shall be thereby disqualified from being elected.

XXI.—The election of any person except in conformity with these rules shall be null and void.

(G. R. No. 1662, dated 7th May 1866.)

18. It does not appear necessarily to follow from the provision in Section 7 of Act XX of 1863, "the local Government shall, once for all, appoint one or more Committees in every division or district," that a Committee should be appointed in each táluka.

If the Committee which was appointed under Government Resolution No. 1397 of 9th April 1867 for the management of the Hindu religious endowments in the Kumta Táluka, including what has recently been constituted the Ankola Táluka, is still sufficient for the purpose, it is not necessary under the Act to appoint a separate Committee for the Ankola Táluka, though it will be more convenient if in future the Committee is denominated

the Committee for the management of the Hindu religious endowments in the Kumta and Ankola tálukas of the Kánara District.

Section 10 of the Act merely lays down the procedure to be followed in filling up vacancies by the remaining members of the Committee, and should they fail to take the necessary steps, any person whatever may apply to the Civil Court which is empowered by the Act to fill up the vacancies.

Whether the vacancies which may occur in the Committee are filled up or not in accordance with the provisions of Section 10 of the Act, so long as there are not less than three remaining members the Committee is a legally constituted one.

Should the number of members ever become reduced by vacancies below three, the Committee would become extinct, and it would be necessary to appoint a fresh one.

(L. R. No. 1538, dated 28th November 1882; *vide* G. R. No. 8732, dated 12th December 1882.)

19. The lease of lands assigned for devasthán purposes granted in perpetuity for an annual rent by the manager of the devasthán for the benefit of the institution is valid under the provisions of clause 3 of Section 8 of Act II of 1863. (G. R. No. 654, dated 3rd February 1870.)

20. In preventing misappropriation of religious and charitable endowments, the same policy should be pursued in the old provinces to which Bombay Act VII of 1863 and the new provinces to which Bombay Act II of 1863 are applicable. (G. R. No. 6411, dated 9th November 1876.)

21. An allowance made by Government for the support of a Hindu temple is not liable to attachment in satisfaction of a debt incurred by the manager of the temple on his own account. The power of a manager of a temple to deal with its property has been discussed by the Privy Council in the case of *Prosunno Koomari Debya* vs. *Golabchund Babu* (L. R., 2 Ind. App., 145). In giving judgment, their Lordships say:—"There is no doubt that, as a general rule of Hindu Law, property given for the maintenance of religious worship and of charities connected with it, is inalienable. It is, however, competent for the Sebait of property dedicated to the worship of an idol, in the capacity of manager of the estate, to incur debts and borrow money for the proper expenses of keeping up the religious worship, repairing the temple or other possessions of the idol, defending hostile litigious attacks, and other like objects. The power, however, to incur such debts must be measured by the existing necessity for incurring them. The authority of the Sebait of an idol's estate would appear to be in this respect analogous to that of the manager for an infant heir,—a limited and qualified power, which can only be executed rightly in a case of need, or for the benefit of the estate. It is only in an ideal sense that property can be said to

belong to an idol, and the possession and management of it must in the nature of things be entrusted to some persons as Sebait or manager. It would seem to follow that the person so entrusted must of necessity be empowered to do whatever may be required for the service of the idol, and for the benefit and preservation of its property, at least to as great a degree as the manager of an infant heir. If this were not so, the estate of the idol might be destroyed or wasted, and its worship discontinued for want of the necessary funds to preserve and maintain them."

Such being the limits of the manager's power to deal with the funds, or charge the property of a temple, it follows as a matter of necessary inference that he cannot lawfully apply the funds or property of the temple to his own purposes. Nor can they be made answerable for debts incurred by him otherwise than for necessary purposes as above explained.

It is perhaps doubtful whether allowances to temples, though unquestionably granted and continued by Government on political considerations, come within the terms of Section 3 of Act XXIII of 1871; but the above decision of the Privy Council renders it unnecessary to discuss this point. In cases in which Government allowances to temples have been attached in satisfaction of the private debts of the pujári, and there is no Panch or Committee to interfere to protect the rights of the temple, the Collector is the proper person to do so, on behalf of the Hindu community. He should instruct the Government Pleader to apply for the removal of the attachment in the ordinary way, under Section 246 of the Civil Procedure Code.

(Adv. Gnl. No. 33, dated 2nd August 1875; *vide* G. R. No. 4665, dated 18th idem.)

22. Government should not interfere to have set aside the mortgage of a temple allowance effected long before it was enacted by the Legislature in Section 8, clause 3 of Bombay Act II of 1863, that such alienation is illegal.

The High Court have held (see I. L. R., 5 Bom., 393), that the above mentioned law merely declares the pre-existing common law of this country, that religious endowments, whether Hindu or Mahomedan, are not alienable.

Government have decided in the rules they have laid down on the subject that it is not desirable the Collector should bring a suit to enforce the proper application of an endowment.

Should the endowment ever come under any process by way of attachment or sale in execution of any decree of the Civil Court, it will be open to the Collector to intervene under the provisions of the Civil Procedure Code, and prevent any further alienation of the endowment.*

(L. R. No. 632, dated 1st June 1882; *vide* G. R. No. 3913, dated 17th idem.)

* *Vide* Rules given at page 182 of the Compilation of General Rules.

23. By Section 8, clause 3, of Bombay Act II of 1863, religious endowments, wholly or partly exempted as such from land tax, are declared inalienable. They are equally inalienable where the Act is not in force, for though Bombay Act VII of 1863 contains no such provisions as Section 8 of Bombay Act II of 1863, yet religious endowments are in their very nature inalienable. In the case of a religious endowment or public institution no sanad at all is necessary as has been decided by the High Court in the printed judgment in the case of *Manohar Ganesh* vs. *Lakhmiram*.* A declaratory entry in the Government registers is quite sufficient, and any one thereafter interfering with the property assumes the responsibility of a trustee.

The Collector may anywhere outside the Presidency Town take steps under Section 539 of the Code of Civil Procedure to prevent the fraudulent alienation of land or of revenues constituting an endowment. The simplest course to follow in such a case is to give notice and thereafter exact the full assessment. The possessor who had taken the land by alienation or who declined to fulfil the conditions as trustee of the holding could not take advantage of his own fraud as the Acting Remembrancer of Legal Affairs seems to have thought he could in such a case (see Report† No. 1117 of 1887,

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* Printed Judgments of 1887.

† "I.—The answers to the questions put by the Commissioner appear to be as follows :—

(1) Under Hindu Law, devasthán lands are inalienable (I. L. R., V Bom., page 393), but may perhaps be temporarily mortgaged (I. L. R., IX Bom., page 422). The matter does not seem to be affected by Bombay Act VII of 1863. It is true that Section 6 says that when the Governor in Council shall under clause 1 of Section 2 finally authorize and guarantee the continuance in perpetuity to the holders, their heirs and assigns of land wholly or partially exempt from the ordinary payment of annual land revenue, the said lands shall (subject to the enactments contained in Section 7) be the heritable and transferable property of the said holders, their heirs and assigns. But this section is qualified by the proviso in Section 7: 'Provided always that the said rightful owner, his heirs and assigns shall not by this Act or anything therein contained be deprived of any rights or remedies to which he or they would be entitled against the said holder, his heirs or assigns for the recovery of the said lands or any part thereof if this Act had not been passed.' The result is that by the application of the summary settlement under Act VII of 1863 the continuance for ever of the exemption from the assessment has been guaranteed by Government without regard to the person who may for the time being be in possession. But the rights of persons beneficially entitled to the property are not affected *inter se*. In the case of devasthán lands there may be a good deal of difficulty in deciding who is the real owner, but I think there can be no doubt that the community for whose benefit the temple exists have an interest in the grant which is preserved by Section 7 and which gives them power to sue in the proper way for the restitution of the property if diverted to secular uses. The managers for the time being are certainly not the owners. They are mere trustees and the summary settlement does not confer on them any rights of alienation which they did not before possess.

(2) I think in the revised sanads the name of the person who was manager at the time the settlement was accepted should be inserted. The usual way in which I have seen sanads for devasthán land drawn up is in the name of the god

annexed to Government Resolution No. 6595 of 1887). By taking or giving in alienation, by refusing or omitting to perform the service annexed to the holding, the occupier would have estopped himself from alleging it was sacred property. In the case of land sold in execution, this would be especially the case, unless indeed the land had been sold under some special circumstances as sacred property—a case that would very seldom occur.

In the printed judgment* in the case of *Narayanrao* vs. *Raji Mahomed*, it is pointed out that a Musalmán's duty in relation to a grant for a *pir's* tomb is not transferable to a Hindu. Such a trans-

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with the addition of the manager (*e.g.*, Shri Vithoba, *vahivatdár*). The right to a sanad was complete as soon as the settlement was accepted under Section 2, and as it may be difficult to ascertain to whom the right of management may have subsequently passed, the safest course will be to enter the name of the manager at that time.

(3). I do not think that Government can levy full survey rates from the alienees when devasthán land has been alienated from the institution to which it was granted. According to Hindu Law, a grant to a temple is permanent and cannot be resumed (I. L. R., VI Bom., page 546). And the fact that the managers may have illegally alienated it will not have the effect of making it revert to Government, or justify it in, as it were, participating in the sacrilege by imposing a full assessment on the land. Least of all can this be done in cases to which the summary settlement has been applied. In whatever terms the sanad may have been worded, the effect of Section 6 is to guarantee for ever the exemption of the land from assessment wholly or partially as the case may be. In regard to this point I would call attention to Mr. Naylor's opinion No. 757 of 17th November 1875, referred to in Government Resolution No. 6921 of 9th December 1875.

"II.—The only thing I think that can be done when the Collector finds that devasthán land has been diverted from its legitimate uses is to take action under Section 539 of the Civil Procedure Code with a view to its restoration. No other remedy seems possible in the present state of the law, and probably owing to the difficulty of obtaining accurate information this is not one that can often be resorted to. A Bill for the better administration of the Hindu and Mahomedan endowments was submitted by Mr. Naylor with his letter No. 43 of 15th January 1879, but the proposed legislation was not carried out.

"III.—In the above remarks I have referred only to Hindu devasthán. They apply, however, with equal force to Musalmán wakf property which by Mahomedan Law is similarly inalienable." (L. R. No. 1117, dated 25th August 1887.)

"With regard to the sanads, the safest and simplest course will be to have them made out in the name of the institution, adding the name of the manager with whom the summary settlement was effected, if he is still living, and provided he was the *vahivtádár* at the time of settlement. If he is dead, the name of the actual manager should be entered, and the sanad should be handed over to the manager whose name is entered in it. But if the person who would thus be entitled to receive the sanad desires that it be delivered to some other person, his request should be complied with, and where there is a person in possession of the institution and of the property appertaining to it who is not the manager with whom the summary settlement was effected or his regular successor, and the person in possession claims the sanad against the wish of the said manager or of his regular successor, it should be given to the person with whom the settlement was effected as above shown. In any other case delivery of the sanad should be withheld until the parties obtain a decision in the Civil Courts declaring who is entitled to it." (Para. 2 of G. R. No. 6595, dated 29th September 1887).

* Printed Judgments of 1886.

fer therefore would estop the Hindu transferee from setting up any exemption on account of the sacred character of the tenure.

In all instances of alienation of religious endowments it is for those who are really interested in the celebration or other continuation of the pious service to come forward and require that it be performed. The Collector's duty is merely to see that an alienation of the public property or revenue is not enjoyed under false pretences. In each case before taking any active measures, the Collector should convince himself, from such inquiry as he may deem necessary, that there is at least *primâ facie* proof that there has been a defeat of the object of the endowment, as by the transfer of a sacred endowment to purely secular hands and purposes. Transfers within a family or priestly class are sometimes allowed, but an alienation to other than sacred uses is not permissible.

If the Collector does interfere under Section 539, Civil Procedure Code, he should always demand his costs from the defendant and alternatively from the endowment. These costs will in general be only those of taking legal advice and may generally be recovered directly from the relators who appear as plaintiffs in the suit.

(G. R. No. 2023, dated 28th March 1888.)

Note.—This Government Resolution has been modified by Government Resolutions Nos. 5255, dated 26th July 1890, and 5066, dated 24th July 1891 (*vide* Government Resolution No. 7728, dated 29th September 1892).

24. The Hindu Law, like the Roman Law and the systems derived from it, allows both enforcement of a consequent duty and revocation of a gift made for a particular purpose which is not fulfilled by the donee (see W. and B. Hindu Law, 204). The English Law does not admit revocation. The principles applicable to religious property are explained very fully in the High Court's Judgment in the Dákor Temple Case (I. L. R., 12 Bom., 247), and are recognized in the Honourable Sir Charles Sargent's judgment at page 299 of the Printed Judgments for 1884. That a person endowed for a public purpose or discharging the duties of a religious office can anticipate and alienate the income by which he is supported, is not universally true under the English Law, as, *e.g.*, in the case of a judge. A sequestration of the profits of a parson's benefice has to be carried out subject to limitations and he cannot encumber his benefice even for his life or incumbency (*Shaw* vs. *Pritchard*, 10 Ba. and Cr., 241). Nor can any ecclesiastic alienate the church lands except for short terms regulated by Statute (see Burton's Real Property, Sections 217—218).

But the Courts have proceeded generally on narrower principles. They have not regarded Hindu benefices as essentially *extra commercium* so as to be absolutely insusceptible of any alienation or incumbrance except for their benefit. The principle has been partially but not completely applied. A

temporary alienation may not involve a complete defeat of the law as administered. Hence when the institution from which land or an allowance has been diverted can be ascertained, any interference on the part of Government seems undesirable. The beneficiaries interested should be left to assert their rights by suit. But when the supposed institution does not exist or cannot be ascertained, the cause for the remission has failed. The Indian Common Law right of the State to levy a land tax (see the Kánara Land Case, 12 Bom. H. C. R.) revives and the non-exercise of the right tends to tie up property, *i. e.*, the capital value of the remission, in a perpetuity not justified by any public purpose subserved by it. When the institution cannot be pointed out, the allowance or remission made in favour of it need not be conceded or continued.

(G. R. No. 5255, dated 26th July 1890.)

25. The orders in Government Resolution No. 5255, dated 26th July 1890, apply to cash as well as land alienations of religious endowments. The Courts would generally uphold an alienation of a cash allowance during the alienor's life. As a religious grant it could not be properly alienated, but as against the vendor the alienation would be upheld. The payment, however, usually remains, it is presumed, in the Government accounts as one made to the person directly entitled, while the vendee receives payment on an order from the vendor. On the vendor's death the vendee's right expires, as it was a personal right against the vendor to which Government for convenience sake gave effect, but which has now ceased to exist. If the allowance stands in the accounts as one to an institution, it cannot be payable to any one not representing the institution. No one else is capable of taking it with a legal title, and payment may properly be withheld, subject to the persistence of the alienee's right during the life of an alienor, who would himself be entitled to claim payment. In such cases the grant while it subserves its purpose is irrevocable, but when there is not even a pretext of its serving the purpose, the whole reason for the payment fails and it may be refused. As a service grant Government has of course full control over any payment. The Pensions Act XXIII of 1871 affords a safeguard in most cases of payment from treasuries.

The Government Resolution No. 5255, dated 26th July 1890, does not differ in principle from the earlier one, No. 2023, dated 28th March 1888, asserting the right of Government. But it would be a vain and unprofitable course for Government to rescue property from alien hands merely to hand it over to pious beneficiaries and thus save the latter the expense of legal proceedings. When the institution or the intended service has no longer any one to represent it, Government can take the benefit for the public.

(G. R. No. 5066, dated 24th July 1891.)

26. The following opinion (No. 60, dated 15th January 1891) of the Remembrancer of Legal

Affairs on the subject of the resumption of devasthán, was communicated to all Commissioners and Collectors :—

"The devasthán grant which formed the subject of the reference reported on in my Report No. 1665 of 30th October 1890 is, it now appears, an endowment for watering the village cattle.

"2. The Collector states that its conditions may be looked on as the same as those of a devasthán grant.

"Probably the endowment was originally so regarded, kine being invested by Hindu religious feeling with a peculiar sanctity.

"The grant might also enure for the benefit of the villagers for the gratuitous watering of whose cattle the endowment provides. In neither aspect of the case would Government be justified, in my opinion, in resuming the grant on failure of performance of service. If it has a religious object, the grant would be protected from resumption by the general principles of Hindu Law referred to at Indian Law Reports, 5 Bombay, 396. If it is purely secular, it is for the benefit of the villagers whose interests therein would be annulled by the proposed resumption.

"3. The present incumbent can be compelled to perform the duties attaching to the grant, whether he has alienated his life-interest in the remuneration or not, or his place may be supplied by appointment of another in his default, whereon the alienated interest would determine. In any case the alienation cannot extend beyond his life-time.

"4. But if Government have any interest in the performance of the duties, they cannot enforce it by putting an end to the endowment.

"5. It is remarkable that the Collector states 'The land is held under a Summary Settlement Sanad by the Pátel and Kulkarni.' This apparently means that the land is held by those officers and not that the sanad was granted by them. It does not appear under what authority the sanad was granted. But if the settlement were made under any section of Bombay-II of 1863, other than Section 8 of that Act, the land must have become the transferable property of the holder. If the settlement were made under Section 8, the land might be recoverable from the mortgagee (*vide* Section 16 (*g*)), but the recovery could not be effected by the resumption proposed on behalf of Government.

"6. I do not think the resumption of devasthán by imposition of full assessment can ever be legal. The only cases, in which such property can become liable to full assessment, appear to me to be cases in which the class of beneficiaries being wholly extinct, the property reverts to Government by a quasi escheat."

(G. R. No. 1604, dated 2nd March 1891.)

27. The following opinion (No. 1096, dated 29th August 1889) of the Remembrancer of Legal Affairs on the question whether a suit between the claimants to a devasthán cash allowance requires a certificate under the Pensions Act, and whether in the absence of such certificate execution can be withheld by the Collector, was circulated to the Divisional Commissioners and Collectors for information and guidance :—

"The cases noted in the margin are authorities which appear to support the Subordinate Judge who decided the suit in his view that the Pensions

Indian Law Reports,	2,	Madras,	294.
" "	5,	"	302.
" "	XI,	"	283.

Act would not bar the suit. There has never, I think, been any decree precisely on the point in the Bombay High Court. But I think it very probable the question would in this Presidency be decided on the same grounds as in Madras.

"Pensions and grants imply pensioners and grantees, personal recipients of the bounty of Government, and Government alone have a right to decide as to the distribution of that bounty.

Indian Law Reports, 1 Bombay, 75.

"But religious *endowments* are at least in theory impersonal, and are either for the support of some services deemed religious, or the maintenance of some building regarded as sacred. The object of the bounty is not a man at all, although the fund must necessarily be administered by some trustee or manager who no doubt practically exercises proprietary rights over it. Government have no particular interest in seeing that such trustee performs the duties of his trust. If he neglects them or wastes the funds, those interested might bring a suit under Section 539, Civil Procedure Code, to compel performance, and the Courts might appoint some other trustee or manager, and Government would pay the cash allowance to the trustees so appointed.

"Religious endowments are no doubt inalienable under Hindu Law and also, if they take the form of land, under Bombay II of 1863, Section 8, Clause 3.

Indian Law Reports, 5, Bombay, 393.

"But the restriction applies rather to the *corpus* than to the revenue, or management would be impossible. Alienation is perfectly justifiable within certain limits as to time, justifying necessity and provision for performance of the duties, and Government can hardly in the case of a Hindu religious endowment be in a position to dispute these points with the recipients, even if Government had any interest in doing so.

23 Weekly Reporter, 253 (Privy Council case).
Indian Law Reports, 6 Bombay, 596.
" " " 6 " 298.
20 Weekly Reporter, 471.
12 Bombay High Court Reports, 214.
6 " " " " 250.

"I must also note that in a very recent decision it has been held that the Pensions Act would not restrict the jurisdiction of the Courts to entertain suits relating to allowances for which Government are admittedly liable to some one or other. The Act is always construed strictly, and according to the Allahabad High Court, even if the cash allowance were a pension, no certificate would be necessary to a suit between rival claimants thereto, if Government admitted that some one or other was entitled to it. In the case of a devasthán cash allowance, it would probably be held that it was neither a pension nor a grant within the meaning of Sections 4, 5 and 6 of the Pensions Act, but an endowment. Government do not dispute their liability to pay the allowance. It seems to be utterly immaterial to Government who is the actual payee.

Indian Law Reports, X Allahabad, 396.

Indian Law Reports, 4, Bombay, 437.

"It could not for a moment be urged that Section 11 of the Pensions Act would exempt the allowance in question from attachment. That section refers to *pensions* granted on political considerations on account of past services or present infirmities or as a compassionate allowance. It has no reference to any but *personal* grantees."

(G. R. No. 7099, dated 20th September 1889.)

28. No general orders have been passed by Government authorizing Collectors to exercise the powers specified in Section 539 of the Civil Procedure Code,

and it is usual for the Collectors to report each case as it arises for the orders of Government. (G. R. No. 7728, dated 29th September 1892.)

29. All religious endowments in this country are inalienable independently of Section 8 (3) of Bombay Act II of 1863 and notwithstanding Section 6 of Bombay Act VII of 1863, and suit would be maintainable under Section 537, Civil Procedure Code, to prevent malversation by a manager, committee or trustee.

I. L. R., 5 B., 393.

The word 'holder' does not, in connection with a mosque, mean a person in possession, but a person or body of persons, such as a committee, manager or trustee, that has accepted certain trusts and responsibilities in respect of the management of and dealing with the property.

If a person in possession has not the status of a trustee, &c., but is a mere caretaker, then apparently Government could recognize his connexion with the mosque by issuing a service sanad such as that which in the case at I. L. R., X B., 34, appears to have been held as conclusively establishing the inalienability of the land beyond the life-interest of the person in possession.

(L. R. No. 942, dated 14th June 1892; *vide* G. R. No. 5385, dated 1st July 1892).

III.—HAKS AND RASAMS.

1. As regards bonds granted in compensation for haks abolished by Acts XXVII of 1837, I of 1838 and XIX of 1844, such bonds as are held for the benefit of religious and charitable institutions stand in a different position from bonds in the possession of individuals. The haks which they represent were intended as perpetual endowments, and the payment of the principal sum into the hands of the managers would involve the risk of its being dissipated, and the consequent permanent loss to the institution of the funds provided for its support The Government of Bombay is accordingly authorized to declare bonds of this description to be irredeemable (except when otherwise desired by the holders), the payments in respect of them being debited to their appropriate head in the public accounts, as provided for in Government Resolution * No. 3126, dated 20th September 1858. (S. of S. No. 2, Rev., dated 12th January 1860; *vide* G. R. No. 631, dated 15th February 1860.)

2. The allowances granted to Mevási Chiefs in the Kaira and Khándesh Collectorates as compensation for the abolition of the transit duties which they formerly levied from travellers and merchandise

* Government approve of the proposal of the Revenue Commissioner for alienations as modified by the Accountant General that payments on account of compensation bonds to temples should be debited to the appropriate head in the public accounts of "Grants to Mosques and Temples." (G. R. No. 3126, dated 29th September 1858.)

passing through their nákas are to be continued to the heirs of the parties from whom agreements were taken in 1841-42, or to those of any near relatives whose name may have been subsequently entered in the accounts under proper authority. The name of the eldest representative of the family should alone appear in the accounts, those of all subordinate sharers being excluded. (G. R. No. 3590, dated 22nd August 1865, and G. L. No. 3957, dated 20th September 1865.)

3. The allowances to the Mevási Chiefs and Bhils in Khándesh in pursuance of the orders in Government Resolution No. 3957, dated 20th September 1865, should be continued hereditarily, and the sanads should contain a proviso that, in the event of the direct male line becoming extinct, payment will be withheld pending the orders of Government. The rule that payment is to be made only to the eldest representative of the family is not to be retrospectively applied. Separate sanads should be issued and separate payments continue to be made to those who have drawn their allowances direct from Government. (G. R. No. 2117, dated 25th April 1874.)

4. The practice regarding succession before the foregoing orders of 25th April 1874 does not limit the discretion of Government in applying the rules laid down in those orders. (G. R. No. 5781, dated 25th April 1874.)

5. The jakát haks were a species of black mail levied by the Bhil Náiks in Khándesh and Násik, for the protection of traders or travellers passing through their jungles. These exactions were stopped by the British Government, which consented to pay the Náiks an annual allowance as compensation for the loss thus sustained by them. This allowance is a pension granted or continued by Government on political considerations, and is therefore not liable to attachment in satisfaction of a decree of a Civil Court; but is protected from such attachment by Section 11 of Act XXIII of 1871. Political considerations are not defined in the Act, but apparently this must be taken to be a pension or grant of money payable on the part of Government in respect of a privilege or perquisite enjoyed by the Bhil Náiks which it was deemed politic to abolish; and it cannot be doubted that it was of political importance to give travellers and traders the protection of a regular Police instead of the irregular convoy of a Bhil Chief.

But while it is considered that this allowance is protected by the Act, the Civil Court must determine whether or not it is so protected. The Act does not provide that Government shall decide what pensions are payable on political considerations, and that its decisions shall be binding on the Courts. As the law stands, every case of attachment of pension must, I think, be decided on its own merits by the Court which issues the attachment. It may be hard on a Bhil Chief, that he should have to employ

a vakil, and be put to the trouble and expense of an enquiry, when the matter might be settled by the Collector's certificate; but it is an inconvenience caused by the law, and must therefore be endured. The Collector should come to the assistance of the Bhil Chief, and instruct the Government Pleader to take the necessary steps to have the attachment removed. It would be of evil example, and tend greatly to diminish the just authority of the Civil Courts, were the Collector simply to refuse compliance with the Court's order, instead of taking the proper steps to have it set aside.

(Adv. Gen. No. 33, dated 2nd August 1875; *vide* G. R. No. 4665, dated 18th idem.)

6. The Kasab and Betheli Veros paid by persons in Government and alienated villages in the Panch Maháls should be abolished. (G. R., F. D., No. 1699, dated 6th July 1887.)

7. As girás payments are now made from Government treasuries, inám, sirpáv, chendu and other allowances granted by Grássiás for the trouble of collecting their girás should cease to be paid on the death of the persons holding them at the date of this order. Such allowances should be escheated and will not be available for increasing the remuneration of insufficiently paid Pátels. (G. R. No. 3757, dated 24th August 1861.)

8. When Grássias die leaving no male heirs, their widows should be paid the whole allowance during their life-time. In the event of there being more than one widow, the allowance is to be continued until the death of the last survivor. (G. Rs. Nos. 4059, dated 16th July 1873, and 7381, dated 6th November 1888).

9. By the decision of the High Court to be found at page 203 of the Indian Law Reports, August 1876, it is clear that a toda girás hak comes within the meaning of the definition contained in Sections 3 and 4 of the Pensions Act XXIII of 1871, and that no suits will be successful against Government with reference to such haks. (G. Rs. Nos. 4384, dated 17th July 1877, 4929, dated 13th August 1877, and 5977, dated 4th October 1877.)

10. The following opinion of the Remembrancer of Legal Affairs, No. 1108, dated 6th October 1888, was concurred in by Government :—

"In the matter referred for my opinion by Government memorandum No. 3073, dated 16th May 1888, one I. V. has purchased, at a Court auction sale for Rs. 26, the right, title and interest of M. D. and G. B. in toda girás allowances worth respectively Rs. 6 and Rs. 74 per annum.

"2. The holders of these girás allowances had executed kabuláyats binding themselves not to alienate their girás out of their families, and admitting the right of Government to suspend or discontinue the allowances on their failure to comply with these and other conditions.

"3. The Collector reports that certain statements as to the limited rights of the judgment-debtors were made at the time of the auction. Such statements could have no effect

on the right, title and interest sold, though they may have deprecated them at the sale

"4. It appears that the sales took place before the new Act VII of 1887 became law.

"5. The question for consideration is whether the girás allowances should be continued or should be withheld from the auction-purchasers.

"6. It is true that girás allowances have been recognized as a species of property (8 M. I. A.) and capable of alienation and attachment and sale in execution of decree (4 B. I. L. R. 432 confirmed by the Privy Council at 5 B. I. L R., 408).

"7. But I need hardly point out that these rulings cannot affect the rulings at 1 B. I. L. R. 203, 4 B. I. L. R. 437 and 443, which decide that Section 4 of the Pensions Act XXIII of 1871 bars a suit against Government to enforce payment of such haks unless a certificate from the Collector be produced, and that therefore the auction-purchaser could not maintain a suit against Government, should Government decide to discontinue the allowances.

"8. I assume, therefore, that the question referred is not so much whether a suit would be against Government if the allowances were discontinued as whether Government could equitably withhold from the purchaser.

"9. It may, however, be well to note that the latest ruling on the Pensions Act, reported at X, All., I. L. R. 399, lays down that no certificate is necessary if Government admit the existence of the grant, and where the only contention is as to the person entitled to receive it. The Allahabad case distinguishes the case reported at 1 B. I. L. R. 75 and I do not think it would affect the present case if Government asserted its right to *discontinue the allowance altogether* on its alienation from the holder's family. For in such case there would obviously be no admission but a *denial* of the continued existence of the grant. But if Government continued the allowance but refused payment to the auction-purchaser, then apparently under the recent Allahabad ruling, the purchaser could enforce his right without a certificate.

"10. Thus Government could without fear of suit discontinue the allowance, but the alienation prior to the Toda Girás Act VII of 1887 might, under the Allahabad ruling, still be enforced against the holders, if the allowance were continued to *them*.

"11. The clause against alienation, if correctly recited in the Collector's report, does not appear to me to be sufficient to justify Government in discontinuing the allowance. It refers only to voluntary alienations and not to alienations by process of law.

"The distinction is taken at 7 B. I. L. R. 256 and 7 B. I. L. R. 262 from which it appears that a restriction in a lease on alienation by mortgage, sale or otherwise must be taken as confined to some act of the lessee *ejusdum generis* with those expressly mentioned, and would not apply where the alienation was by act of law. Unless therefore the kabuláyat contain a provision *that the holder shall not allow the grant to be attached and sold in execution and that if he did the grant should be discontinued*, I do not think the auction sale would operate as a forfeiture justifying a withholding of the allowance.

"12. The recognition of an alienation is of course a question distinct from the operation of an alienation as a forfeiture of the grant.

"13. The recognition of alienations made before the grant is governed by Section 6 of the Act. Under that section if the alienation is not by instrument the Collector must, on proof of the alienation within six months of the passing of the Act, give the alienee a certificate under his official signature and seal that the allowance is not subject to the provisions of the Act. If no such proof be adduced before the Collector within six months after the date on which the Act came into

force, *i.e.*, before the 28th October 1888, the Collector would not be bound to recognize the alienation. Apparently proof has been already produced and if so there is no alternative but to recognize the alienation.

"14. As the auction-purchaser has bought only the right, title and interest of the holders of the allowance he is bound by all conditions that were binding on the judgment-debtors, and if, as I gather from the concluding paragraph of the Collector's letter No. 808 of 22nd March 1888, the holders were bound to give security for their good behaviour, those and all other terms on which their rights were conditioned would be binding on the auction-purchaser.

"15. It appears from the report of the Honourable Mr. Naylor, No. 1310, dated 27th September 1883, that the course to be taken in respect of sale of such allowances was laid down in Government Resolution* No 5118 of 12th September 1873, and has since been followed (*vide* Government Resolution† No. 8168, Revenue Department, dated 6th Nov-

* Petition from Utamram Jamietmal, dated 8th January 1873—Stating that he made repeated applications to the revenue authorities to cause to be paid to him the amount of a toda girás hak purchased by him at a public sale, but he has not yet received the payment thereof, nor any definite orders on the subject, and praying that the papers in his case may be sent for, and on due consideration orders be issued to pay the hak to him, with arrears and interest at 9 per cent., and to enter the allowance in his name.

Report by the Revenue Commissioner, N. D., No. 3880, dated 13th August 1873.

Memorandum from the Revenue Commissioner, N. D., No. 4160, dated 2nd September 1873—Submitting the correspondence that has passed between him and the Settlement Officer, N. D., on the above claim, as requested in Government memorandum No. 4862, of the 28th ultimo.

RESOLUTION.—The course recommended by the Alienation Settlement Officer, N. D., in his report to the Revenue Commissioner No. 295, dated the 24th June 1873, may be adopted, *viz.*—

"As the allowance in question was sold before the passing of the Pensions Act XXIII of 1871, the purchaser's name may be entered in the accounts subordinate to that of the girassia and the allowance paid to him on the production, at each payment, of a life certificate of the girassia so long as the girássia's male line may be in existence."

(G. R. No, 5118, dated 12th September 1873)

† Letter from the Collector of Broach to the Commissioner, N. D., No. 1397, dated 1st May 1883:—

"In the case of toda girás hak purchased by one Utamram Jamietmal of Broach at a public sale by the Civil Court, Government, in their Resolution No. 5118 of 12th September 1873, have on the recommendation of the late Alienation Settlement Officer decided that *because the hak in question was purchased by Utamram before the passing of the Pensions Act XXIII of* 1871, his name be entered in the Government books subordinate to that of the girássia and the allowance paid to him on production, at each payment, of a life-certificate of the girassia so long as the girássia's male line may be in existence.

"2. But there is now a case before me in which one Bhvánishankar Toláshankar has purchased a girás hak standing in the name of Thákor Chhatrasangji Parbatsangji also at a public sale effected by the Civil Court, but *after* and not *before* the passing of the Pensions Act, the date of the purchase being 15th March 1882.

"3. I have therefore the honour to request instructions as to whether I should order in this case the name of Bhavánishankar Toláshankar to be entered in the Government books against the hak that he has purchased as above, and if so whether it should be entered *in lieu of* or subordinate to the name of the girássia, and if the latter, whether the payment to him should be subject to the condition of his producing at each payment the life-certificate of the girassia as long as the latter's male line is in existence as in Utamram's case."

Memorandum from the Commissioner, N. D., No. 3009, dated 29th May, 1883:—

"Forwarded to Government for orders.

"2. The undersigned thinks that the name of the purchaser should be entered subordinate to, and not in lieu of, the name of the girássia, without prejudice to the claims of sub-sharers, if any, and payment made to him on production of a life-certificate. It appears that Government are not interested so long as the male line continues and the above certificate is produced."

Memorandum from the Remembrancer of Legal Affairs, No. 1310, dated 27th September 1883.

RESOLUTION.—In the circumstances stated, His Excellency the Governor in Council concurs with the Remembrancer of Legal Affairs in thinking that the course prescribed in Government Resolution No. 5118, dated 12th September 1873, should be adopted in the present case.

Copies of Mr. Naylor's report should be forwarded to the Commissioner, N. D., and the Collector of Broach.

(G. R. No. 8168, dated 6th November 1883.)

ember 1883). Government Resolution No. 5118 of 1873 is not, however, on the records of this office. Apparently its directions are alluded to in the concluding paragraph of the Collector's letter No. 808 of 22nd March 1888, and if so, there appears to be no reason why they should not be followed in this case.

"16. Whether alienations of this nature are restricted to the life interest of the judgment-debtor, is a question not referred for my opinion and appears to be set at rest by the correspondence which preceded the passing of the Toda Girás Act."

(G. R. No. 7450, dated 9th November 1888.)

11. Since the Toda Girás Allowances Act VII of 1887 has become law, no object is to be gained by the issue of sanads for such allowance, and it is therefore best that none be issued. The Act in question was passed for the purpose of declaring the law relating to those allowances (*vide* its preamble), and it would not be competent to Government, if it were desired, to impose any conditions upon their continuance other than those set forth in the Act; and as the Act appears to determine everything which it is necessary to have determined in respect of the allowances, no further document seems to be called for in the interests either of Government or of the recipients. (L. R. No. 1525, dated 2nd October 1890; G. R. No. 7327, dated 15th idem.)

IV.—MISCELLANEOUS.

1. The Commissioners are authorized to re-enter in the accounts, without reference to Government, cash allowances which may have been erroneously struck off. (G. R. No. 2327 dated 13th June 1862.)

2. Where no valid title-deed is forthcoming, the regular practice is to consider the first recognized recipient under the British rule as the first grantee of an allowance. (G. R. No. 3903, dated 11th October 1864.)

3. Allowances such as that on which the following reference No. 437, dated 20th October 1875, was made by the Alienation Settlement Officer, S. D., are to be continued hereditarily in the line of the recipient at the introduction of British rule:—

"I now do myself the honour to enquire whether the simple word *hereditary* used in their letter No. 2135, dated 1st June 1847, should not be interpreted to mean hereditary *to the incumbent at the introduction of the British Government*, and not to the recipient only of that year.

"2. The intention of the Government of the day seems to have been to confirm the Collector's recommendation, and this was that the allowance should 'be considered hereditary *under the rules dated 23rd June 1842*' (para. 13 of Report No. 68 of 13th January 1847.) Now the particular rule runs thus:—

> 'All (allowances) enjoyed for a period of sixty years, and in possession of a second successor in lineal descent from the original grantee at the introduction of our Government, to be considered hereditary to male offspring.'

"3. This rule, indeed, is not so clear as it might be. Still, interpreted by the *Amended* Rules of 1842 published in 1852, there can be no doubt that it was the male offspring of the recipient at the introduction of the British Government that was meant."

(G. R. No. 6441, dated 18th November 1875.)

4. Except under exceptional circumstances, application for the interference of the Courts, in cases of attachment of cash allowances granted for political considerations, should not be made unless the pensioner agrees to pay the cost of the application. (G. R. No. 7234, dated 23rd December 1875.)

5. There is no reason for holding that a gameti's share in a *khálsa* village is protected from attachment by Section 11 of Act XXIII of 1871. It is not a "pension" in the ordinary acceptation of that term, and if the word "pension" in that section be held to mean any kind of payment, still the payment in question is not granted or continued by Government "on political considerations or on account of past services or present services or as a compassionate allowance." It appears to be a payment to which the former proprietor of a village is entitled in consequence of his having contracted with Government to resign his village on Government's undertaking to pay him a certain portion of the revenue of the village annually in perpetuity. There is nothing of the nature of a grant or of a pension in such a payment. (L. R. No. 1225, dated 2nd November 1877; *vide* G.R. No. 7102, dated 28th idem.)

6. Haks are saleable property, moveable or immoveable, according to their origin, and are, therefore, liable to be attached and sold in execution of decrees. Varshásan allowances appear, from the particulars given in the Law Reports, to be in many cases in the nature of perpetual annuities, and where of that character, and not protected from attachment by Act XXIII of 1871, would be regarded as saleable moveable properties, and liable to attachment and sale. Varshásan allowances and amals vary much in their character, and some would be protected from attachment by Act XXIII of 1871, while others would not; thus it is impossible to lay down any general rule, but each case as it occurs, with full particulars of the character of the allowance attached, should be referred for legal advice. (Adv. Genl. No. 68, dated 22nd, October 1878; *vide* G. R. No. 5946, dated 19th November 1878.)

7. Copies of the following opinion No. 1280, dated 1st October 1885, of the Remembrancer of Legal Affairs were forwarded to all Commissioners and Collectors:—

"I do not think that Government can raise any objection to the attachment by the Civil Court of the allowance*, which by the sanad is to be continued without objection or question on the part of Government as to the rights of any rightful holders thereof, whether such rights shall have accrued by inheritance, adoption, *assignment or otherwise*.

"2. The allowance is not protected from attachment by Section 11 of the Pensions Act (XXIII of 1871), for it is not a pension granted or continued by Government on poli-

*The particular allowance with reference to which the Legal Remembrancer's opinion was recorded was a cash allowance of Rs. 19 entered as *mokása amal* payable from the Karmála Treasury. The character of the allowance was not clear from the sanad nor could it be ascertained from the Mámlatdár's records. In the margin of the sanad the allowance was classed as "transferable private property."

tical considerations or on account of past services or present infirmities or as a compassionate allowance."

(G. R. No. 8644, dated 24th October 1885.)

8. Cash allowances should appear in the registers of tálukas or villages to which they originally belong, but there is no objection to payments being permitted from the treasuries of places where the recipients reside and their adjustments by the usual method of debit and credit in the financial accounts. (G. R. No. 3186, dated 30th May 1876.)

9. Due attention should be paid to the correction of the alienation lists. Any laxity in this respect may lead at some future time to the commission of fraud, and it is therefore of great importance that all necessary alterations should be carefully and punctually made in the printed copies of the lists supplied to Collectors, and all orders regarding such alterations should be sent through the officers in charge of tálukas with a view to their being noted in the táluka lists. (G. R. No. 7257, dated 6th December 1877.)

10. The Commissioner, C. D., in whose office cash alienation lists are prepared, should not forward the lists to the Commissioners and Collectors of such districts as have no concern with them. (G. R., G. D., No. 137, dated 13th January 1888.)

11. The alienation office should be supplied with two copies of every Government Resolution on the subject of cash allowances whether payable from the central or any other Division. (G. R. No. 8093, dated 12th October 1892.)

12. The Government of Bombay is empowered to sanction charitable allowances not exceeding Rs. 50 per annum in the aggregate in any one case to the destitute relatives of deceased revenue freeholders. All cases in which the aggregate annual grant proposed exceeds Rs. 50 should be submitted for the sanction of the Government of India. (G. I., H. R. & A., No. 317, dated 14th July 1880; *vide* G. R. No. 3909, dated 27th idem.)

13. The name of a widow who holds an allowance (no matter on what tenure it be held) and who remarries into a distinct family and thus severs her connection with the said allowance, should be struck off. The fact that an allowance is entered as being given to a widow "for life" is not a bar to withdrawing the allowance when she remarries. The words "for life" must reasonably be held to refer only to such period as the widow remains unmarried after the decease of her first husband. The allowance is granted to her for her maintenance after his death, but when she remarries, her maintenance devolves upon her second husband and she has consequently no claim to an allowance from the State for the purpose. To avoid, however, any possible doubt in any future cases which may arise when an allowance is given for the maintenance of a widow, it should be specified that such allowance is granted "for life or until remarriage." (G. R. No. 9501, dated 26th December 1883.)

No. 6558
25/12/37

CATTLE-POUNDS.*

1. Under the provisions of Section 2 of Act V of 1868, the Governor of Bombay in Council is pleased, with the consent of the Governor General of India in Council, to delegate to the Commissioner in Sind the powers of a Local Government, under Sections 4 and 18 of Act I of 1871 (The Cattle Trespass Act). (G. N., J. D., dated 24th June 1871.)

2. Government have no objection to the delegation of the general control vested in Government by Section 4 of Act I of 1871 to the Revenue and Police Commissioners, with the exception of the power to dispose of the surplus proceeds, which are credited to Local Funds. (G. R. No. 3933, dated 10th August 1872.)

3. The Commissioners should issue strict orders that all the gross cattle-pound receipts should be credited, and all disbursements debited, according to the general rule so that uniformity may exist. The gross proceeds to be brought to account should include only those sums which are levied as fines and those collected on account of the sale-proceeds of cattle. Charges on account of feeding cattle during the time they remain in the pounds, which are taken from the owners and paid at once to the parties to whom due, are not to be brought to account in the Mámlatdárs' books. (G. Rs., G. D., Nos. 1725, dated 22nd April 1872, 2118, dated 27th May 1872, and 2612, dated 2nd July 1872.)

4. Section 12 of the Cattle Trespass Act prescribes the fines that may be levied in respect of cattle impounded. It indicates also what 'charges' may be levied for releasing impounded animals. No other claim can be legally made. (G. R., G. D., No. 1894, dated 2nd May 1888.)

5. Where practicable, the necessity for bringing stray animals from beyond municipal limits to municipal pounds should be obviated by establishing pounds for circles of villages in convenient situations. (G. R., G. D., No. 3498, dated 10th October 1873.)

6. The system of farming out cattle-pounds to contractors is objectionable, inasmuch as it seems to hold out direct encouragement to the contractor to abet, or convive at, illegal seizure. The system is not recognized by the Cattle Trespass Act, and is opposed to the spirit of that Act, though it may not be expressly prohibited. (G. I., H. D., No. 5-337, dated 11th March 1891, to the Government of Bengal; *vide* G. R., G. D., No. 1141, dated 31st idem.)

Note.—The practice of farming out cattle-pounds to contractors does not prevail in any of the districts in the Bombay Presidency: *vide* G. R., G. D., No. 1641, dated 9th May 1891.

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* This subject was dealt with by the General Department up to the end of February 1893.

7. The following rules have been prescribed for the information and guidance of all officers concerned in the management of cattle-pounds :—

1. Under the provisions of Act I of 1871 the Police Pátel is *ex-officio* keeper of the pound in his village and is answerable for the proper carrying out of the provisions of the Act. Where there is no Police Pátel to a village, the person who is specially appointed for this purpose by the District Magistrate will be a special pound-keeper in that village.

2. The Act contains all necessary information with regard to mode of seizure of cattle, and so forth. The forms necessary for carrying on the duties of pound-keeper are hereto appended. Printed copies of these forms will be furnished on indents submitted through the Mámlatdár of the táluka. In most instances these forms require no explanation, but in case of doubt explanatory notes have been given at the foot of the form.

3. Printed lists of fines, as specified in Section 12 of Act I of 1871, will be furnished on application to Mámlatdárs. The pound-keeper shall post up such lists in a conspicuous part of the pound and of each village.

4. As every pound-keeper is bound to feed and water all impounded animals until such time as the same are either delivered over to the owners or otherwise disposed of, he may in those cases, where an advance is necessary, be allowed to meet such charges by an advance not exceeding Rs. 10 from the Cattle-pound Fund. The pound-keeper shall keep the account of such advance as per Form No. VI, hereto appended. Such advances shall be adjusted yearly according to the orders in force. When a pound-keeper delivers over charge of his office, he and his successor shall jointly report to the Mámlatdár their having respectively delivered over and received charge of the money received as an advance.

5. The feeding charges of the impounded cattle shall not exceed the rates which may have been or may hereafter from time to time be sanctioned by the District Magistrate. Printed lists of such rates will be furnished to each pound-keeper through the Mámlatdár of the táluka. Copies of such lists must be posted up in a conspicuous part of the pound and of each village.

6. All fines collected by the pound-keeper shall be retained in his custody and when these amount to or exceed Rs. 10 he shall, subject to the provisions of Rule 12, remit the same to the Mámlatdár's treasury with a duplicate memorandum, as per Form No. VII, showing the amount so remitted. On the 20th March of each year the pound-keeper shall, with a similar memorandum, remit to the Mámlatdár's treasury any balance in hand, however small it may be. The Táluka Treasury Officer, after crediting the amount received, should return one copy of the memorandum duly receipted to the

cattle pound-keeper and the duplicate copy should be retained by the Treasury Officer as a chellah for the receipt.

7. The officer in charge of the Police Station shall keep a register, Form No. IX, of all cases referred for disposal under Section 14 of Act I of 1871. He shall also keep a day-book, Form No. X, in which he shall enter all sums realized by the sale of cattle, all sums remitted to the táluka treasury, as also the charges of feeding, &c., paid to pound-keepers.

8. Subject to the provisions of Rule 12, the officer in charge of the Police Station should, as a rule, remit the cattle-pound receipts to the táluka treasury, the day on which they are received by him. The money should be accompanied by a remittance report in duplicate. The amount due to fine and that due to surplus sale-proceeds should be shown separately. No other detail is necessary. The Treasury Officer should return one copy of the remittance report duly receipted and shall retain the other copy as a chellan for the receipt.

9. The Mámlatdár (the Táluka Treasury Officer) on receipt of this amount should at once credit to the Cattle-pound Fund the amount of penalties, and bring the balance, being the amount of surplus sale-proceeds, to the head of Judicial Deposits, to be disposed of as detailed below.

10. The Mámlatdár shall then issue a notice, as per Form No. XI, to be posted on the notice board in the kacheri, inviting claimants for the money in deposit within three months from the date of the notice. At the end of three months, if no person should appear to claim the money, it shall be carried to the credit of the Cattle-pound Fund.

11. If any claimant come forward within the time allowed, the Mámlatdár, after due enquiry and upon being satisfied that the claim is proved, shall, after receiving the sanction of the District Magistrate, make over to such claimant the amount held in deposit.

12. In the case of cattle-pounds situated within the limits of any Municipality, the sums collected shall be credited to the Municipality instead of to the Cattle-pound Fund. The receipts on account of such pounds shall be remitted, with a separate remittance report, as hereinbefore provided, in order that the money may be sent to the Municipality with such remittance report. The Municipality shall, in acknowledging the receipt of the money so remitted, act as provided in Rule 6 or 8, as the case may be.

13. The Assistant Collector in charge of the táluka should, as often as possible, examine all the registers and accounts kept by the pound-keepers and by the officers in charge of the Police Station. The Mámlatdárs and Police Officers must, on their periodical tours, examine the registers kept by the pound-keepers and give the requisite instructions

for their being correctly and neatly kept. The Mámlatdár shall further examine the registers kept by the Officer in charge of the Police Station.

14. The *ex-officio* and special pound-keepers will be remunerated out of the Pound Fund for their duties as pound-keepers according to the scale fixed by orders of the Local Government.

15. If the *ex-officio* pound-keeper be unable to write, he shall employ the Village Accountant to keep the pound register and other documents relating to the pound, but the pound-keeper shall attest these papers by his signature or mark. The pound-keeper and the Village Accountant shall be jointly responsible for the correctness of all the papers. In such cases the Village Accountant shall receive one-half of the amount paid to the pound-keeper out of the pound-keeper's remuneration.

16. The remuneration of the pound-keeper shall be disbursed when the Potagi (or Pátel's salary) is disbursed, *i. e.*, in the months of January and July. The Mámlatdárs should prepare half-yearly bills for this purpose, and should, prior to their disbursement, obtain the sanction of the Huzúr Deputy Collector. The first bill should be prepared for the months from December to May. The bill should be submitted to the Huzúr Deputy Collector for sanction by the 10th of June, and the payment thereof should be made in the month of July. The second half-yearly bill should be prepared for the other six months, *i.e*, for the months from June to November. The second bill should be punctually sent by the Mámlatdár to the Huzúr Deputy Collector by the 10th of December and the payment made in the January following.

17. In preparing bills, care should be taken that no pound-keeper is allowed remuneration in excess of the maximum amount fixed by the Local Government.

(G. Rs., G. D., Nos. 3, dated 3rd January 1876, and 1161, dated 12th April 1877.)

(*Note.*—See G. Rs., G. D., Nos. 1653, dated 24th May 1878, and 3377, dated 6th November 1878, which modify the rules regarding the sale of cattle by Chief Constables.)

REGISTER No. I.

FORM OF REGISTER TO BE KEPT UNDER SECTION 8 OF THE ACT.

Serial No.	Name of the seizer, date of receipt (hour, month and year).	Description of Animal.					Name of the owner, and his place of residence, if known.	Date of return of cattle to the owner and the signature of recipient.	Fine.	Amount of feeding charges, &c., and signature of the person receiving the same.	Date of report to the Station Officer under Section 14.	Date of sending cattle for sale.	Signature of the Pound-keeper.
		Kind.	Age.	Value.	Height.	Special marks and colour.							
1	2	3	4	5	6	7	8	9	10	11	12	13	14

Note.—The pound-keeper must sign in column 14 every day's entry made in this Register.

FORM No. II.

FORM OF RECEIPT TO BE ISSUED TO SEIZURE OF CATTLE UNDER SECTION 8 OF ACT I OF 1871.

No.	Name of the person to whom the receipt is given.	Description of cattle.	Date and time of delivery of cattle.	Signature of cattle-pound-keeper.
1	2	3	4	5

FORM No. III.

FORM OF RECEIPT TO BE ISSUED TO THE OWNER OF CATTLE ON PAYMENT OR DEPOSIT OF FINES AND CHARGES.

No.	Name of the owner of cattle.	Description of cattle.	Date on which received in pound.	Date on which fine and charges were paid.	Amount of fine.	Amount of feeding charges.	Total.
1	2	3	4	5	6	7	8

Note.—When the owner of cattle has signed the receipt in Form No. I, a receipt according to this Form No. 3 should be filled in and given to him under the signature of the pound-keeper.

FORM No. IV.

FORM OF REPORT TO BE SENT BY THE POUND-KEEPER TO THE OFFICER IN CHARGE OF THE POLICE STATION, AS REQUIRED BY SECTION 14 OF ACT I OF 1871.

Serial No	Register number, name of the seizer, the place where the animals were seized, and the date and hour when impounded.	Description of Cattle.					Amount of feeding charges incurred by the pound-keeper.	Remarks.
		Kind.	Age.	Value.	Height.	Special marks and colour.		

FORM No. V.

DAY BOOK OF CATTLE-POUND RECEIPTS AT TÁLUKA FOR THE YEAR 18 .

DR. CR.

Date. Day.	Month.	Detail.	Amount.	Date. Day.	Month.	Detail.	Amount.
		To fine on account of cattle, registered No. ...				By payment to self on account of feeding charges of cattle, registered No.	
		Feed of do. ...				On repayment of advance (as the case may be) ...	
		Balance ...				Balance ...	

Note—1. All collections made in the shape of fines, &c., and all charges incurred in feeding the cattle shall be carefully entered by the pound-keeper each day in this form as the transactions occur.

2. The pound-keeper will be held personally responsible for omissions or mistakes in the accounts.

FORM No. VI.

FORM OF REGISTER OF ADVANCES.

DR. CR.

Date. Day.	Month.	Detail.	Amount. Rs. a. p.	Date. Day.	Month.	Detail.	Amount. Rs. a. p.
10th	1875 January	To amount of advance received this day from Mámlatdár of with order No. ...	10 0 0	10th	1875 January	By amount paid on account of feeding charges of cattle, registered Nos.	0 12 0
		Balance ...	9 4 0			Balance ...	9 4 0
							10 0 0
11th	1875 January	The amount received from Fakeera bin Mala on account of feeding charges of cattle, registered Nos.	0 12 0	11th	1875 January	By amount paid on account of feeding charges of cattle, registered Nos.	0 8 0
						Balance ...	9 8 0
			10 0 0				10 0 0

FORM No. VII.

FORM OF REMITTANCE REPORT TO BE MADE BY THE POUND-KEEPER.

Remittance Report of the Cattle-pound at Táluka.

Date.		Register No.	Amount of Fine.
Day.	Month.		

Signature of Pound-keeper.

N.B.—This report should be prepared in duplicate.
The Taluka Treasury Officer should return one copy, endorsing on it the receipt of the amount, and should retain the other copy in his office for record.

FORM No. VIII.

NOTICE TO BE ISSUED UNDER SECTION 14 OF ACT I OF 1871.

Notice is hereby given that the animals described below and seized at have been sent on to the cattle-pound of the village of Táluka , and that they have been detained there for upwards of 7 days. Any person having a claim to the aforesaid animals is hereby required to appear before the undersigned to establish his claim and get his animals released after payment of the penalties, and feeding charges, &c. Should no one appear and claim the said cattle within 7 days of date of this notice, the cattle will be sold by public auction and the proceeds credited to Government.

Description of Cattle.

Chief Constable.

FORM No. IX.

REGISTER BOOK OF CASES OF STRAY-CATTLE RECEIVED BY THE STATION OFFICER FOR DISPOSAL, UNDER SECTION 14 OF ACT I OF 1871, AT

Serial No.	Name of the Pound from which received.	Register number of the cattle-pound, name of the Seizer, the place where they were seized, the date and hour when they were impounded.	Description of Cattle.					Date of issuing notice.	Signature or mark of the person receiving cattle after establishing his claim.	Name of the purchaser and his signature in token of his having received the cattle.	Date of sale and amount.	At what rate and for what period money was paid to the pound-keeper on account of feeding charges, &c., and signature of recepient.	Amount of penalty levied.	Surplus sale proceeds to be refunded to the owner.
			Kind.	Age.	Value.	Height.	Special marks and colour.							
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

FORM No. X.

DAY BOOK OF CATTLE-POUND RECEIPTS TO BE KEPT BY THE OFFICER IN CHARGE OF POLICE STATION.

Dr. Cr.

Date.		Receipts.	Amount.	Date.		Disbursements.	Amount.
Day.	Month.		Rs. a. p.	Day.	Month.		Rs. a. p.
	1875				1875.		
1st	July ...	To receipt on account of sale of cattle, registered No. 25— Rs. a. p.		1st	July ...	By payment to Pound-keeper for feeding charges	1 0 0
		Amount of fine 0 8 0					
		Amount of feeding charges. 1 0 0					
		Surplus sale-proceeds ... 5 0 0				Balance ...	5 8 0
			6 8 0				6 8 0

FORM No. XI.

FORM OF NOTICE OF UNCLAIMED MONEY (SECTION 17 OF ACT I OF 1871).

Notice is hereby given that a sum of , being the surplus sale-proceeds of (description of animals) brought to the cattle-pound of from is now in deposit in the Táluka treasury. Any person having a claim thereto is hereby required to prefer and substantiate the same within three months from this date before the undersigned, Class Magistrate of Táluka ; failing to do which the amount will be disposed of according to the provisions of Act I of 1871.

Mámlatdár and Magistrate, Class.

8. In those districts of the (old) Northern Division in which the Talátis or Kulkarnis have extensive charges and the Pátels are generally illiterate and unable to keep the forms of account prescribed by the rules under Act I of 1870 for the management of cattle-pounds sanctioned by Government Resolution, General Department, No. 3, dated 3rd January 1876, the old forms may be adhered to at the discretion of the Commissioner. (G. R., G. D., No. 2201, dated 19th July 1876.)

9. The District Magistrate may nominate the Mámlatdár or Mahálkari, and in his absence the Aval Kárkún to conduct sales of cattle under the Pound Act and to keep the accounts relative to such transactions. (G. Rs., G. D., Nos. 1653, dated 24th May 1878, and 3377, dated 6th November 1878.)

10. In the case of the outlying cattle-pounds in Thar and Párkar, the District Magistrate may authorize the sales of unclaimed cattle being conducted by the Police Thánadár. (G. R., G. D., No. 2009, dated 3rd July 1878.)

11. No authority is vested by the Cattle Trespass Act* I of 1871, in any office to set aside sales of cattle under the Act. (L. R. No. 142, dated 27th January 1885; *vide* G. R., G. D., No. 432, dated 7th February 1885.)

12. The passing of Act I of 1884 has not, so far as can be seen, made any difference in the manner of disposing of surplus cattle-pound receipts, and no orders, under clause (*g*) of Section 44 of Act I of 1884, directing that the surplus accruing after the District Local Board has provided for the expenditure under Section 18 (*a*) and (*b*) of Act No. I of 1871 should be credited to the Local Funds of the district, appear to be called for. The net receipts have hitherto been credited to Local Funds and the practice will be continued by the

* Amended by Act I of 1891.

Accountant General without any formal orders from Government. (G. R. No. 6565, dated 12th August 1885.)

13. The intention of the Legislature is that the District Magistrate should ordinarily appoint the pound-keeper and pay his remuneration and that all realizations should be sent to the District Magistrate, the surplus, if any, being disposed of periodically in such manner as Government direct. This should be the practice for all pounds in respect of which the District Magistrate's functions under Sections 5, 6, 12 and 17 have not been legally transferred to some local body. In the case of any pound in respect of which the said functions have been transferred to a local body, the proceeds will be paid to that body instead of to the District Magistrate, and that body will dispose of the surplus by appropriating it or otherwise as Government may from time to time direct under Section 1 (*b*) of Act XVIII of 1883. (L. R. No. 1439, dated 10th November 1886; *vide* G. R. No. 383, dated 17th January 1887.)

14. In exercise of the power conferred by Section 1 (*b*) of Act XVIII of 1883, the Governor in Council is pleased to direct, in supersession of all previous orders and rules on the same subject, that the whole of the surplus accruing in any Municipal District or Cantonment under Section 18 of the Cattle Trespass Act I of 1871 shall be placed to the credit of the municipal fund or cantonment fund of such municipal district or cantonment, and that the surplus accruing under the said section in any portion of a district not included in a municipal district or a cantonment shall be placed to the credit of the local fund of such district. (G. N. No. 383 A, dated 17th January 1887.)

15. In modification of Notification No. 383 A, published at page 44 of Part I of the *Bombay Government Gazette* for 1887, the Governor in Council is pleased, for the reasons given in paragraph 4 of Government Resolution, General Department, No. 3047, dated 1st October 1887, to direct that in the Municipalities in Sind, noted in the margin, the sums specified against the name of each shall severally be deducted annually from the funds accruing under Section 18 of the Cattle Trespass Act I of 1871, which were directed by the said notification to be placed to the credit of the said Municipalities, and shall be credited to Government, and that only the surplus of the said funds, after deducting the said sums, shall be credited to the said Municipalities respectively. (G. N., G. D., No. 3667, dated 7th December 1887.)

	Rs.
Mánjhand ...	150
Babak	46
Keti	15
Matari	205
Garhi Yasin ...	169

16. In modification of Notification No. 383 A, published at page 44 of Part I of the *Bombay Government Gazette* for 1887, the Governor in Council is pleased to direct that in the Municipality

of Jacobabad in Sind the funds accruing under Section 18 of the Cattle Trespass Act I of 1871, which were directed by the said notification to be placed to the credit of the said Municipality, shall hereafter be credited to Government. (G. N., G. D., No. 98, dated 11th January 1888).

17. In exercise of the powers conferred by Act XVIII of 1883, the Governor in Council is pleased to cancel the orders notified in Government Notification, Revenue Department, No. 383 A, dated 17th January 1887, published at page 44 of the *Bombay Government Gazette* for 1887, Part I, so far as they directed the surplus accruing in the municipal district of Karáchi under Section 18 of the Cattle Trespass Act, 1871, to be placed to the credit of the Municipality of Karachi, and is pleased to direct that all such surplus accruing as aforesaid within the said area on and after 1st day of April 1891 shall be placed to the credit of Government. (G. N., G. D., No. 446, dated 3rd February 1891.)

An Act to amend the Cattle Trespass Act, 1871.

Act I of 1871.

18. In exercise of the powers conferred by Act XVIII of 1883 the Governor in Council is pleased to cancel the orders notified in Government Notification, Revenue Department, No. 383 A, dated 17th January 1887, published at page 44 of the *Bombay Government Gazette* for 1887, Part I, so far as they directed the surplus accruing in the Municipal District of Hyderabad under Section 18 of the Cattle Trespass Act, 1871, to be placed to the credit of the Municipality of Hyderabad, and is pleased to direct that all such surplus accruing as aforesaid within the said area on and after the 1st day of April 1891 shall be placed to the credit of Government. (G. N., G. D., No. 446 A, dated 3rd February 1891.)

An Act to amend the Cattle Trespass Act, 1871.

Act I of 1871.

* Repealed by Act I of 1890.

19. Under the powers vested in him by Act* No. XVIII of 1883 (an Act to amend the Cattle Trespass Act I of 1871), His Excellency the Governor in Council is pleased to transfer the functions of the District Magistrate of the Upper Sind Frontier District under Sections 5, 6, 12 and 17 of the Cattle Trespass Act I of 1871 to the Cantonment Committee of Jacobabad with regard to the pound established under Section 4 of the Act within the said cantonment. (G. N., G. D., No. 249, dated 20th January 1886.)

20. In exercise of the power conferred by Section 1 (*a*) of Act XVIII of 1883 the Governor in Council is pleased to transfer to the following Municipalities, within the municipal districts respectively subject to their jurisdiction, the functions of the District Magistrate under the Cattle Trespass

Act I of 1871 which are hereinbelow respectively specified, *viz.* :—

Name of Municipality.	Sections of Cattle Trespass Act, 1871, under which District Magistrate's functions are transferred.
The Municipality of Ahmedabad ...	4, 5, 6, 12, 14 and 17.
Do. Viramgám	
Do. Sánand	
Do. Dhandhuka ...	4, 5 and 6.
Do. Prantij	6.
All other Municipalities in the Kaira District .	

(G. N. No. 383, dated 17th January 1887.)

21. In exercise of the power conferred by Section 1 (*a*) of Act XVIII of 1883, the Governor in Council is pleased to transfer to the Municipalities of Godhra and Dohad in the Panch Mahals District, within the municipal districts respectively subject to their jurisdiction, the functions of the District Magistrate under Sections 5, 6, 12 and 17 of the Cattle Trespass Act I of 1871. (G. N. No. 1847, dated 25th March 1887.)

22. Under the powers vested in him by Act* No. XVIII of 1883 (an Act to amend the Cattle Trespass Act I of 1871), His Excellency the Governor in Council is pleased to transfer the functions of the District Magistrate of the Karáchi District under Sections 5, 6, 12 and 17 of the Cattle Trespass Act I of 1871 to the Municipality of Tatta in the Karáchi District with regard to the pound established under Section 4 of the Act within the limits of the said Municipality. (G. N., G. D., No. 1669, dated 7th June 1887.)

* Repealed by Act I of 1891.

23. In exercise of the power conferred by Section 1 (*a*) of Act XVIII of 1883, the Governor in Council is pleased to transfer to all Cantonment Committees and in cantonments in which no Cantonment Committee is constituted, to all Officers Commanding the stations, within the cantonments respectively subject to the jurisdiction of such Cantonment Committees and officers, the functions of the District Magistrate under Sections 4, 5, 6, 12, 14 and 17 of the Cattle Trespass Act I of 1871. (G. N. No. 1968, dated 29th March 1887; *vide* also G. R. No. 4006, dated 1st July 1887.)

24. In exercise of the power conferred by Section 1 (*a*) of Act XVIII† of 1883, the Governor in Council is pleased to transfer to the Surat Municipality, within the Surat Municipal District, subject to its jurisdiction, the functions of the District Magistrate under Sections 4, 5, 6, 12, 14

† Repealed by Act I of 1891.

and 17 of Cattle Trespass Act I of 1871. (G. N., G. D., No. 4082, dated 1st October 1889.)

* Repealed by Act I of 1890.

25. In exercise of the power conferred by Section 1 (*a*) of Act XVIII* of 1883, the Governor in Council is pleased to transfer to the Municipalities hereinbelow specified within the municipal districts respectively subject to their jurisdiction the functions of the District Magistrate under Sections 4, 5, 6, 12, 14 and 17 of the Cattle Trespass Act I of 1871:—

Name of Municipality.

The Municipality of	Mahudha.
Do.	Od.
Do.	Anand.
Do.	Umreth.
Do.	Borsad.
Do.	Mátar.

(G. N., G. D., No. 1206, dated 25th March 1890.)

26. Whereas it appears to the Governor in Council on the reports of the District Magistrates of Ahmedabad, Kaira, the Panch Maháls, Broach and Surat that in the local areas hereinbelow specified subject to the jurisdiction of the said Magistrates, respectively, cattle are habitually allowed to trespass on land and damage crops or other produce thereon, the Governor in Council is pleased, in exercise of the power conferred upon him by Section 12 of the Cattle Trespass Act, 1871, as amended by Section 5 (1) of Act I of 1891, that on and after the 1st December 1891, for every head of cattle specified in the scale contained in the first mentioned section which may be seized within any of the said local areas and impounded in accordance with the provisions of the Cattle Trespass Act, 1871, as amended by Act I of 1891, the pound-keeper shall levy a fine equal to double the fine mentioned in the scale aforesaid.

2. And in exercise of the power conferred by Section 26 of the Cattle Trespass Act, 1871, as amended by Section 8 of Act I of 1891, the Governor in Council is pleased to direct that, with respect to the local areas hereinbelow specified, the first paragraph of the said Section 26 of the Cattle Trespass Act, 1871, shall, on and after the date specified in the first paragraph of this notification, be read as if it had reference to cattle of any kind mentioned in the scale aforesaid instead of to pigs only, and as if the words "fifty rupees" were substituted for the words "ten rupees."

Local areas above referred to.

Ahmedabad District.—The tálukas of Daskroi, Viramgám, Dhandhuka, Sánand and Dholka.

Kaira District.—The tálukas of Mehmadabad, Mátar, Nadiád, A'nand, Borsad, Thásra and Kapadvanj.

Panch Mahâls District.—Villages of Mojalpura, Kathiapura, Hálol, Raenwadia, Dhinkuva, and Chhajdivali of the Hálol Mahál.

Broach District.—Municipal towns of Broach, Jambusar, A'mod, Anklesvar and Hánsot, and the villages of Dehej and Vágra.

Surat District.—The villages of Ránder, Adájan, Bhátha Fulpáda, Katárgám, Ved, Dabholi, Seganpur, Tunki, Varaccha, Kumbharia, Magod, Dubhal, Parvat, Navagám, Anjna, Karanj, Umarwáda, Katodra, Majura, Athwa, Bhatar, Piplod, Umra, and Pal of the Chorási Táluka; Amroli, Dihen, Olpád, Karsad, and Kathodra of the Olpád Táluka; and Mándvi, Turkesar and Bodhan of the Mándvi Táluka.

(G. N., G. D., No. 4069, dated 24th November 1891.)

27. Whereas it appears to the Governor in Council, on the report of the District Magistrate of Poona, that in the local area comprised within (1) the municipal district subject to the Municipality of the City of Poona, and (2) the municipal district subject to the Suburban Municipality of Poona, and (3) the military cantonments of Poona and Kirkee, which area is subject to the jurisdiction of the said Magistrate, cattle are habitually allowed to trespass on land and damage crops and other produce thereon;

In exercise of the power conferred by Section 12 of the Cattle Trespass Act, 1871, as amended by Section 5 (1) of Act I of 1891, the Governor in Council is pleased to direct that for every head of cattle of any kind herein below specified which may be seized within the said local area and impounded in accordance with the provisions of the Cattle Trespass Act, 1871, as amended by Act I of 1891, the pound-keeper shall levy a fine according to the following scale, *viz.*:—

Horse, mare, gelding, pony, colt, filly, mule, bull, bullock, cow, or heifer	... eight annas.
Goat or kid	... two annas.

2. And in exercise of the power conferred by Section 26 of the said Act, as amended by Section 8 of Act I of 1891, the Governor in Council is pleased to direct that, with respect to the above local area, the first paragraph of the said Section 26 of the Cattle Trespass Act of 1871 shall be read as if it had reference to cattle generally instead of pigs only, and as if the words "fifty rupees" were substituted for the words "ten rupees."

(G. N., G. D., No. 765, dated 8th March 1892.)

28. Whereas it appears to the Governor in Council, on the report of the District Magistrate of Ahmedabad, that in the local area hereinbelow specified, subject to the jurisdiction of the said Magistrate, cattle are habitually allowed to trespass on land and damage crops or other produce thereon, the

Governor in Council is pleased to direct in exercise of the power conferred upon him by Section 12 of the Cattle Trespass Act, 1871, as amended by Section 5 (1) of Act I of 1891, that on and after the 1st August 1892, for every head of cattle specified in the scale contained in the first mentioned section which may be seized within the said local area and impounded in accordance with the provisions of the Cattle Trespass Act, 1871, as amended by Act I of 1891, the pound-keeper shall levy a fine equal to double the fine mentioned in the scale aforesaid.

2. And in exercise of the power conferred by Section 26 of the Cattle Trespass Act, 1871, as amended by Section 8 of Act I of 1891, the Governor in Council is pleased to direct that, with respect to the local area hereinbelow specified the first paragraph of the said Section 26 of the Cattle Trespass Act, 1871, shall on and after the date specified in the first paragraph of this notification, be read as if it had reference to cattle of any kind mentioned in the scale aforesaid instead of to pigs only and as if the words "fifty rupees" were substituted for the words "ten rupees."

Local area above referred to.

Ahmedabad District—The táluka of Parántij.

(G. N., G. D., No. 2583, dated 27th July 1892.)

29. Whereas it appears to the Governor in Council on the report of the District Magistrate of Surat that in the local area hereinbelow specified subject to the jurisdiction of the said Magistrate, cattle are habitually allowed to trespass on land and damage crops or other produce thereon, the Governor in Council is pleased to direct, in exercise of the power conferred upon him by Section 12 of the Cattle Trespass Act, 1871, as amended by Section 5 (1) of Act I of 1891, that on and after the 15th December 1892, for every head of cattle specified in the scale contained in the first mentioned section which may be seized within the said local area and impounded in accordance with the provisions of the Cattle Trespass Act I of 1891, the pound-keeper shall levy a fine equal to double the fine mentioned in the scale aforesaid.

2. And in exercise of the power conferred by Section 26 of the Cattle Trespass Act, 1871, as amended by Section 8 of Act I of 1891, the Governor in Council is pleased to direct that, with respect to the local area hereinbelow specified, the first paragraph of the said Section 26 of the Cattle Trespass Act, 1871, shall on and after the date specified in the first paragraph of this notification, be read as if it had reference also to kine, goats, sheep, asses and buffaloes instead of to pigs only and as if the words "fifty rupees" were substituted for the words "ten rupees."

Local area above referred to.

Surat District—The City of Surat.

(G. N., G. D., No. 4610, dated 14th December 1892.)

CATTLE-POUNDS.]

30. Whereas it appears to the Governor in Council, on the report of the District Magistrate of Dhárwár, that in the local areas hereinbelow specified, subject to the jurisdiction of the said Magistrate, cattle are habitually allowed to trespass on land and damage crops or other produce thereon, the Governor in Council is pleased to direct, in exercise of the power conferred upon him by Section 12 of the Cattle Trespass Act, 1871, as amended by Section 5 (1) of Act I of 1891, that, from the date of the publication of this notification, for every head of cattle specified in the scale contained in the first-mentioned section which may be seized within any of the said local areas and impounded in accordance with the provisions of the Cattle Trespass Act, 1871, as amended by Act I of 1891, the pound-keeper shall levy a fine equal to double the fine mentioned in the scale aforesaid.

2. And in exercise of the power conferred by Section 26 of the Cattle Trespass Act, 1871, as amended by Section 8 of Act I of 1891, the Governor in Council is pleased to direct that, with respect to the local areas hereinbelow specified, the first paragraph of the said Section 26 of the Cattle Trespass Act, 1871, shall, on and after the date specified in the first paragaph of this notification, be read as if it had reference to cattle of any kind mentioned in the scale aforesaid, instead of to pigs only, and as if the words "fifty rupees" were substituted for the words "ten rupees."

Local arreas above referred to.

Táluka.	Name of locality.
Dhárwár ...	1 Municipal town of Dhárwár and the Railway limits.
	2 Naválur.
	3 Bettigeri.
	4 Mugad.
Hubli ...	1 Municipal town of Hubli and the Railway station.
	2 Unkal.
	3 Kalwad.
Kalghatgi ...	1 Kalghatgi.
Bankápur ...	1 Bankápur.
	2 Ingalgi.
	3 Dhundshi.
	4 Shiggaum.
Ránebennur ...	1 Municipal town of Ránebennur and the Railway limits.
	2 Tummink tti.
Hángal ...	1 Hángal.
	2 Tilwalli.
	3 Alur.
Karajgi ...	1 Karajgi.
	2 Municipal town of Háveri.

Táluka.	Name of locality.
Kod	1 Rattihalli.
Navalgund ...	1 Municipal town of Nargund. 2 Konnur. 3 Algawadi.
Ron	1 Naregal

(G. N., G. D., No. 1799, dated 22nd May 1893.)

31. Whereas it appears to the Governor in Council on the report of the District Magistrate, Surat, that in the local areas hereinbelow specified subject to the jurisdiction of the said Magistrate, cattle are habitually allowed to trespass on land and damage crops or other produce thereon; the Governor in Council is pleased to direct, in exercise of the power conferred upon him by Section 12 of the Cattle Trespass Act, 1871, as amended by Section 5 (1) of Act I of 1891, that on and after 15th July 1893 for every head of cattle specified in the scale contained in the first-mentioned section which may be seized within any of the said local areas and impounded in accordance with the provisions of the Cattle Trespass Act, 1871, as amended by Act I of 1891, the pound-keeper shall levy a fine equal to double the fine mentioned in the scale aforeside.

2. And in exercise of the power conferred by Section 26 of the Cattle Trespass Act, 1871, as amended by Section 8 of Act I of 1891, the Governor in Council is pleased to direct that, with respect to the local areas hereinbelow specified, the first paragraph of the said Section 26 of the Cattle Trespass Act, 1871, shall, on and after the date specified in the first paragrph of this notification, be read as if it had reference to cattle of any kind mentioned in the scale aforesaid instead of to pigs only, and as if the words "fifty rupees" were substituted for the words "ten rupees."

Local areas above referred to.

Surat District—The villages of Kachholi, Amalsád, Abráma, Jalálpor, Mandir, At, Ancheli, Panar, Sisodra, Saribujrag, Kothamdi, Sarav, Munsád, Sultánpur, Matwad, Supa, Kharsad, and Dhárágiri of the Jalálpor Táluka.

(G. N. No. 4363, dated 17th June 1893).

32. Whereas it appears to the Governor in Council, on the report of the District Magistrate of Belgaum, that in the Cantonment of Belgaum, subject to the jurisdiction of the said Magistrate, cattle are habitually allowed to trespass on land and to damage crops or other produce thereon; the Governor in Council is pleased to direct, in exercise of the power conferred upon him by Section 12

of the Cattle Trespass Act, 1871, as amended by Section 5 (1) of Act I of 1891, that on and after the 1st July 1893, for every head of cattle specified in the scale contained in the first-mentioned section which may be seized within the said local area and impounded in accordance with the provisions of the Cattle Trespass Act, 1871, as amended by Act I of 1891, the pound-keeper shall levy a fine equal to double the fine mentioned in the scale aforesaid.

2. And in exercise of the power conferred by Section 26 of the Cattle Trespass Act, 1871, as amended by Section 8 of Act I of 1891, the Governor in Council is pleased to direct that, with respect to the local area included within the Cantonment of Belgaum, the first paragraph of the said Section 26 of the Cattle Trespass Act, 1871, shall, on and after the date specified in the first paragraph of this notification, be read as if it had reference to cattle of any kind mentioned in the scale aforesaid instead of to pigs only, and as if the words "fifty rupees" were substituted for the words "ten rupees."

(G. N. No. 4559, dated 24th June 1893.)

33. Whereas it appears to the Governor in Council, on the report of the District Magistrate, Surat, that in the local areas hereinbelow specified subject to the jurisdiction of the said Magistrate cattle are habitually allowed to trespass on land and damage crops or other produce thereon; the Governor in Council is pleased to direct, in exercise of the power conferred upon him by Section 12 of the Cattle Trespass Act, 1871, as amended by Section 5 (1) of Act I of 1891, that on and after the 1st September 1893 for every head of cattle specified in the scale contained in the first-mentioned section which may be seized within any of the said local areas and impounded in accordance with the provisions of the Cattle Trespass Act, 1871, as amended by Act I of 1891, the pound-keeper shall levy a fine equal to double the fine mentioned in the scale aforesaid.

2. And in exercise of the power conferred by Section 26 of the Cattle Trespass Act, 1871, as amended by Section 8 of Act I of 1891, the Governor in Council is pleased to direct that, with respect to the local areas hereinbelow specified, the first paragraph of the said Section 26 of the Cattle Trespass Act, 1871, shall, on and after the date specified in the first paragraph of this notification, be read as if it had reference to cattle of any kind mentioned in the scale aforesaid instead of to pigs only, and as if the words "fifty rupees" were substituted for the words "ten rupees."

Local areas referred to.

Surat District.—The villages of Atodra, Jáfrabad, Kudiána, Bhesán, Chapra-Bhátha, Sáyan Paria and Kim Ambli of the Olpád Táluka.

(G. N. No. 5874, dated 15th August 1893.)

34. Whereas it appears to the Governor in Council, on the report of the District Magistrate, Broach, that in the local areas hereinbelow specified subject to the jurisdiction of the said Magistrate, cattle are habitually allowed to trespass on land and damage crops or other produce thereon; the Governor in Council is pleased to direct, in exercise of the power conferred upon him by Section 12 of the Cattle Trespass Act, 1871, as amended by Section 5 (1) of Act I of 1891, that on and after 1st December 1893 for every head of cattle specified in the scale contained in the first-mentioned section which may be seized within any of the said local areas and impounded in accordance with the provisions of the Cattle Trespass Act, 1871, as amended by Act I of 1891, the pound-keeper shall levy a fine equal to double the fine mentioned in the scale aforesaid.

2. And in exercise of the power conferred by Section 26 of the Cattle Trespass Act, 1871, as amended by Section 8 of Act I of 1891, the Governor in Council is pleased to direct that, with respect to the local areas hereinbelow specified, the first paragraph of the said Section 26 of the Cattle Trespass Act, 1871, shall, on and after the date specified in the first paragraph of this notification, be read as if it had reference to cattle of any kind mentioned in the scale aforesaid instead of to pigs only, and as if the words "fifty rupees" were substituted for the words "ten rupees."

Local areas above referred to.

Broach District.—The villages of Vejalpur Pati, Kalami Vaga, Kasak Pati, Mojumpur Pati, Dungari Pati, Ali Pati, Bholáv, Nandeláv, Sherpura, Kanthária, Degám and Kukarwáda in the Broach Táluka.

(G. N. No. 8542, dated 22nd November 1893.)

No 659
23/10/99

CIVIL SERVICE.

1. The principle of special selection for promotion referred to in the following extract paragraph 18 of the letter from the Government of India to the Government of Bombay, No. 301, dated 14th February 1890, will be strictly carried out by the Government of Bombay :—

"Lastly, I am to invite attention to paragraph 23 of the Government of India's Despatch of the 9th October 1888, and to say that the principle of special selection must be rigidly enforced on all occasions of appointments made from the Provincial Service to the posts of District Officer, Sessions Judge and the ungraded appointments made under the statute. I am also to take this opportunity generally to say that the Governor General in Council fully accepts the 46th recommendation of the Public Service Commission that, inasmuch as the administrative charge of a district involves very responsible duties, the principle of selection should be more completely adopted even when a member of the Indian Civil Service is to be promoted to such office. His Excellency in Council has had occasion, in connection with memorials, in which officers have complained of their supersession by juniors in the post of Divisional Commissioner, to express his adhesion to the principle that selection and not seniority should govern such high appointments. The principle of selection must be more absolute in respect of such appointments as that of Commissioner than it is in respect of the appointment of District Judge or Magistrate and Collector, but it should be distinctly recognized that mere length of service gives no claim to promotion in the Indian Civil Service above the rank of First Assistant Magistrate, and that no officer should be appointed to the charge of a district, who has not in the course of his previous service given distinct evidence that he is fit for such office."

(G. R. No. 2443, dated 8th April 1890.)

2. A Statutory Civilian who has exercised the option of remaining in his former position, instead of being transferred to the Provincial Service, the maintenance of the *status quo* would simply mean that his appointment would continue as hitherto to be specially treated outside both the Covenanted and Provincial Services. He would not belong to any organized service in which he would, under ordinary circumstances, rise by seniority to certain posts. His claims to advancement would depend entirely on the merit and ability that he might display, and each step that he might gain would be treated as a fresh appointment under the rules passed under the Act of 1870. (S. of S. No. 104, dated 12th September, 1889, and G. I., H. D., No. 2329, dated 2nd December 1890; *vide* G. R. No. 9008, dated 17th idem).

3. As it has been decided by the Secretary of State that a Statutory Civilian is the incumbent of a particular office and not a member of an organized service, proposals for the appointment to fresh offices of individual Statutory Civilians must be referred for the sanction of the Government of India. This decision will not apply to promotions merely from grade to grade which do not involve a change in the duties and responsibilities discharged, such as that of a Second Assistant Collector and Magistrate to be a First Assistant, or of an Assistant

Commissioner of the 3rd Class to the 2nd or 1st Class. Such promotions can be made by the Local Government of its own motion. The sanction of the Government of India is, however, required before any promotion, however temporary, of a Statutory Civilian is made to the office of District Magistrate or District and Sessions Judge, or to any other office the duties of which differ in character from those of the substantive appointment of the officer whom it is proposed to promote. In urgent cases there will be no objection to recommendations for merely temporary promotions being made by telegraph. (G. I., H. D., No. 353, dated 24th September 1891; *vide* G. R. No. 7106, dated 15th October 1891.)

4. With the previous sanction of the Governor General in Council, the Governor in Council is pleased to notify that the following appointments in the Bombay Presidency, to fill which members of the Civil Service of India have hitherto been recruited, shall be appointments to which members of the Bombay Civil Service can properly be appointed, subject to the rules for the time being in force under 33 Vict., Cap. 3, Section 6:—

2 posts of Collector and District Magistrate.

2 posts of District and Sessions Judge.

*1 post of Joint Judge and Joint Sessions Judge.

2 posts of Assistant Judge and Sessions Judge.

2. When these posts are held by members of the Bombay Civil Service their pay shall be as follows:—

Collector and District Magistrate—

	Rs.
If in the 1st Grade...	1,600
If in the 2nd Grade	1,200

District and Sessions Judge—

	Rs.
If in the 1st Grade	1,600
If in the 2nd Grade...	1,200
If in the 3rd Grade...	1,000
Joint Judge and Joint Sessions Judge ...	800

Assistant Judge and Sessions Judge—

	Rs.
If in the 1st Grade...	600
If in the 2nd Grade	500

3. In addition to these appointments the following appointments, for which recruitment has hitherto been made in the Civil Service of India, have been thrown open to the Bombay Civil Service and added to the existing grades of that service:—

		Rs.
3 posts of 1st Assistant Collector.	to be converted into	3 posts of Deputy Collector and Magistrate, 3rd Grade, on ...600
4 posts of 2nd Assistant Collector.		4 posts of Deputy Collector and Magistrate, 4th Grade, on ...500

* This appointment has since been converted into one of Assistant Judge and Sessions Judge of the second grade (Government Notification No. 5062, dated 3rd July 1897).

			Rs
2 posts of Assistant Collector.	to be converted into	2 posts of Deputy Collector and Magistrate, 6th Grade, on	...300
1 post of Tálukdári Settlement Officer...		...	...800
1 post of Registrar of the High Court *		...	...1,200

(G. N. No. 6768, dated 23rd August 1892).†

5. In the case of officiating appointments of provincial officers for short vacancies, not exceeding three months at a time, to Headships of Districts and District Judgeships, no reference to the Government of India need be made. Such short vacancies will afford the means of testing an officer's fitness for more extended employment in those posts; and in reporting to the Government of India for sanction nominations for longer periods it should always be stated whether an officer has been tried in this manner, and with what result. As a general rule it will be prudent to take every suitable opportunity of thus ascertaining an officer's capacity before proposing to employ him permanently in these important and responsible posts. The Government of India desires to correct the impression which appears to have prevailed in some quarters, that it will be necessary for a Provincial Civil Servant to go through the whole succession of subordinate grades in the executive or Judicial Service before he can be selected for a scheduled post. On the contrary, it will always be desirable to select persons for higher executive office who, while they have given proof of distinguished ability by sufficiently long service, are still comparatively young, and possess that bodily activity which is a *sine quâ non* for such employment. Every appointment of the kind must be based wholly upon fitness and merit, seniority being regarded only when the claims of two or more officers who are equally fit come into competition. Nor does the Governor General in Council intend that selection should be less absolute, or more restricted to the higher grades of the Provincial Service, in the case of judicial appointments. It has been too much the custom to regard promotion from grade to grade of the Subordinate Executive and Judicial Services as a mere matter of seniority; and it should be made publicly known that every Government and Administration reserves liberty to make promotions in these grades without regard to seniority.

The present Uncovenanted Service Leave and Pension Rules, or, in other words, the provisions of Part

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**Note*—It rests with the Honourable the Chief Justice to nominate an officer for the appointment, subject to any rules and restrictions prescribed by His Excellency the Governor in Council.

† It was suggested by the Government of India in paragraph 7 of their letter No. 2195, dated 10th November 1892 (G. R. No. 9499, dated 3rd December 1892) that in future similar notifications the Provincial Service in the Bombay Presidency should be designated the 'Bombay Provincial Civil Service' in conformity with the wording of the rules sanctioned by the Secretary of State.

III, Chapter XIV, of the Civil Service Regulations, regarding leave, and of Part IV, Chapters XV to XIX, regarding pension, will be applied to the Provincial Service. But the present Statutory Civilians whether they enter that service or not, will continue to be governed by the Leave and Pension Rules now applicable to them.

(G. I., H. D., (Public) No. $\frac{9 \text{ Public}}{1342\text{-}1352}$, dated 21st April 1892; *vide* G. R. No. 6768, dated 23rd August 1892.)

6. Of the general conditions, subject to which alone appointments can be made from the Provincial Service to the scheduled posts, the *first* and paramount condition is absolute and proved fitness, opportunity of testing which will be afforded by the officiating appointments for short periods, which Local Governments and Administrations will be able to make. *Secondly*, the maximum extent to which room in the higher offices will gradually become available for competent members of the Provincial Service, is one-sixth of the appointments in the cadre of the Indian Civil Service or the Commission, except in cases where Military officers in a fixed proportion are still, in Non-Regulation Provinces, recruited for the Commission, when the maximum is one-sixth of the total after deducting the proportion reserved for Military officers. *Thirdly*, such appointments save in the exceptional circumstances contemplated in paragraph 21 of the Secretary of State's Despatch of the 12th September 1889, are subject to the preferential right of officers who entered the service before the reduction of the recruitment in 1880—that is of Indian Civil Servants who passed the competitive examination in or before the year 1879, and officers of the Commissions appointed in or before 1881. An instance of the exceptional circumstances contemplated by the Secretary of State would be the creation of a new appointment outside of the existing cadre, to which no officer in the service could have a preferential right. *Fourthly*, such appointments are further subject to the right of the remaining officers of the Indian Civil Service or Commission (as the case may be), recruited after 1879—81, to have their claims considered to the extent to five-sixths of the posts for which recruitment was or might have been made in any one year. Thus, if it be assumed that the vacancies in the cadre for which recruitment of Indian Civilians in any one year after 1881 had to be made were ten, this, representing five-sixths of the total recruitment, would give two posts in that year to fill which recruitment might have been made for the Provincial Service; but the claims of officers in the Provincial Service to succession to those posts would not come into consideration until those of the ten members of the Indian Civil Service, or the survivors of them, had been considered; and when the two posts had been given to the Provincial Service, no more scheduled posts (always subject of course to the maximum of one-sixth of the total) could be allotted to that service till the legitimate claims to

promotion of the Indian Civilians of the following year had come under consideration. *Fifthly*, if no member of the Provincial Service who is fully fit and competent be available for any listed office which may become vacant, a member of the Indian Civil Service may be appointed to it. (G. I., H. D., No. 1536, dated 27th May 1892; *vide* G. R. No. 7070, dated 5th September 1892.)

7. The conditions which the Government of India and the Secretary of State have determined must be satisfied by candidates for admission to the Provincial Service, are the following :—

I.—Every candidate for appointment by recruitment must furnish satisfactory evidence—

(*a*) that he is not over 25 years of age, except in the case of Barristers, Advocates or Pleaders appointed to the Judicial Branch otherwise than by competitive examination. In these excepted cases article 63 of the Civil Service Regulations fixes the maximum age at 30;

(*b*) that he has attained a prescribed preliminary standard of education, and especially of qualification in one of the vernacular languages of the Province in which he is to be employed. The vernacular standard should be a high one, involving a thorough knowledge of the language and ability to write and read the written character with facility. In the case of Europeans and Eurasians, this requirement will have to be enforced by means of a special examination; in the case of Natives, evidence of it will be provided by the candidate having passed the University or School Standard Examinations;

(*c*) that he is of sound health, good physique, and active habits; and

(*d*) that he is of good character.

II.—Every person appointed to the Provincial Service by recruitment shall be subject to a period of probation or training during which time his appointment will be probationary only, unless in especial cases the Local Government declares such probation or training to be unnecessary.

III.—The subjects of Native Princes in alliance with Her Majesty shall be eligible for appointment, provided they are qualified in other respects.

IV.—Recent residence of at least three years in the Province should, as a general rule, be an essential condition of admission, and no Barrister, Advocate, or Pleader should be appointed as such unless he has been at least three years actually practising his profession in India and can speak the Provincial vernacular.

V.—Europeans who are not Natives of India shall be eligible, if qualified by the above con-

ditions, for appointment in the Bombay Presidency with the sanction of the Secretary of State.

VI.—No member of the Provincial Service shall be dismissed otherwise than on the result of a judicial or formal department inquiry.

(G. I., H. D., No. 1536, dated 27th May 1892; *vide* G. R. No. 7070, dated 5th September 1892.)

8. In exercise of the power conferred by Statute 33 Victoria, Chapter 3, Section 6, and in supersession of the rules published in Notification No. 1534, dated the 22nd August 1879, the Governor General in Council has been pleased to make the following rules, which have been sanctioned by the Secretary of State in Council with the concurrence of a majority of the members present:—

1. The Local Government may appoint any member of the Provincial Civil Service subordinate to it, who is a Native of India and of proved merit and ability, to any of the offices, places and employments ordinarily held by members of the Civil Service of India, to fill which it has been declared by such Local Government (by notification in the official Gazette) that members of such Provincial Civil Service can properly be appointed; provided that no appointment shall be made to the office of District and Sessions Judge, or Chief Administrative Officer of a district, or to any administrative office of higher rank, if the vacancy to be filled is permanent, or for a period of more than three months, without the sanction of the Governor General of India in Council.

2. The Local Government may, with the previous sanction of the Governor General in Council (but not otherwise) at any time appoint any Native of India of proved merit and ability to any of the offices, places, and employments specified by such Local Government in any such notification as in Rule 1 is mentioned; provided that not more than one-fourth of the offices, places, and employments so specified shall at any one time be held by Natives of India not members of the Provincial Civil Service subordinate to that Local Government; but this proviso shall not apply to or include any Native of India (not a member of a Provincial Service) who has, prior to the making of these rules, been appointed under Statute 33 Vict., Cap. 3, Section 6, to an office, place, or employment in the Civil Service of India.

3. The Local Government may (with the previous sanction of the Governor General in Council in any case in which such sanction is required for a permanent appointment) declare any appointment to be made on probation only, and may prescribe the terms on which it is made and the conditions with which the person appointed must comply before he can be confirmed.

4. The Local Government may at any time suspend and, with the previous sanction of the

Governor General in Council, remove any person appointed by such Local Government under these rules.

(G. I., H. D., Notn. No. 2159, dated 2nd November 1892, republished under G. N. No. 8813, dated 9th idem).

9. No. 1 of the above rules applies only to the appointment to reserved posts of members of the Provincial Civil Service, including such Statutory Civilians as may have been transferred to that service, or as may have availed themselves of the option of joining it offered in Home Department letter No. 1536, dated 27th May 1892.

The case of Statutory Civilians who have elected to remain in their original position will be governed by Rule 2 under which the previous sanction of the Governor General in Council is required to their appointment to any listed post. Such Statutory Civilians hold appointments outside both the Covenanted and the Provincial Civil Service, and the effect of Rule 2 is to continue in their case the principle of the existing orders* regulating their promotion. The sanction of the Government of India will not be required to promotions merely from grade to grade which do not involve a change in the duties and responsibilities discharged, such as that of an Assistant Collector to be a Second or First Assistant. These promotions may continue to be made by the Local Government of its own motion. The sanction of the Government of India will, however, be required before any promotion, however temporary, of a Statutory Civilian who remains in his present position is made to the office of Collector and District Magistrate, or of Judge and Sessions Judge, or to any other office which is entered as a separate office in the schedule to the Statute 24 and 25 Vict., Cap. 54, or the duties of which differ in character from those of the substantive appointment of the officer whom it is proposed to promote.

*Government of India letter No. 353, dated 24th September 1891. (G. R. No. 7106, dated 15th October 1891).

From the nature of the case, Europeans who are Natives of India within the definition contained in Section 6 of Statute 33 Vict., Cap. 3, cannot be appointed to any listed posts under the rules in question, inasmuch as the rules themselves and the Statute under which they are framed only authorize the appointment of Natives of India, as defined in Section 6, to posts ordinarily held by members of the Indian Civil Service. If it is considered desirable at any time in the public interests to appoint a European member of the Provincial Service to any of the listed posts, the appointment, in a Regulation Province, can only be made in accordance with the procedure of Sections 3 and 4 of the Civil Service Statute of 1861 (24 and 25 Vict., Cap. 54), if the office in question is entered in the Schedule to that Statute. In the non-Regulation Provinces, or in the Regulation Provinces if the office in question is not a 'scheduled' post but only reserved for members of the Indian Civil Service by executive order,

the appointment of a European member of the Provincial Service can only be made with the previous sanction, as an executive measure, of the Secretary of State.

(G. I., H. D., No. 2195, dated 10th November 1892; *vide* G. R. No. 9499, dated 3rd December 1892.)

10. A Statutory Civil Servant who does not join the Provincial Service, although legally the incumbent of a specific post, in practice obtains officiating promotion to higher posts *pari passu* with his contemporaries in the Indian Civil Service. His claims to promotion rest on seniority combined with fitness. His promotion therefore from one specific post to another is governed by principles analogous to those regulating the promotion of the members of the Indian Civil Service, and this being so the ordinary rules as to acting allowance in privilege leave vacancies (Art. 120 of the Civil Service Regulations) necessarily applies to his case. (G. I., H. D. No. 379, dated 9th June 1893; *vide* G. R. No. 4915, dated 7th July 1893.)

11. Although a Statutory Civilian does not belong to an organized service, his claims to promotion in the ordinary line of appointments reserved for Indian Civilians will, subject to his merit and fitness, be considered after the claims of the Civilian who ranks as his immediate senior under the standing orders for purposes of promotion have been satisfied or considered. Statutory Civilians who have elected to retain their present position are equally eligible with officers of the Provincial Civil Service for selection to all the posts in the cadre of the Indian Civil Service listed as open to the Provincial Service (*vide* No. 2 of the Rules under Statute 33 Vict., Cap. 3, Section 6, published with Home Department Notification No. 2159, dated 2nd November 1892). Statutory Civilians who have elected to retain their present position are not eligible for offices in the regular grades of the Provincial Civil Service. The Statutory Civilians who have joined the Provincial Service are on the other hand eligible for promotion to the posts in the regular grades of that service, such as those in the senior grades of Deputy Collectors or Subordinate Judges. Both classes of officers (*i.e.*, Statutory Civilians as well as *ex*-Statutories transferred to the Provincial Service) are equally eligible for the listed posts. (G. I., H. D. No. 1136, dated 14th August 1893; *vide* G. R. No. 6583, dated 11th September 1893.)

12. For the purposes of the Travelling Allowance Regulations, all Statutory members of the Provincial Civil Service should be treated as officers of the first class, irrespective of the pay which may be drawn by them. (G. I., H. D. No. 1302, dated 11th September 1893; *vide* G. R. No. 7171, dated 2nd October 1893.)

13. No Military or Uncovenanted Officers will be appointed to the revenue establishment in Sind. (G. R. No. 1482, dated 23rd February 1886.)

14. *The scheme sanctioned by the Secretary of State for India, in his Despatch No. 119, dated 3rd December 1885,* for facilitating the employment of Covenanted Civil Servants in the Revenue Branch of the Sind Commission, is that—

(1) all names of Covenanted Civilians should be removed from the list of the Sind Commission.

(2) in the grade of Collectors, an increase to the Presidency *cadre* should only be made when an actual appointment of a Civilian to a similar appointment in Sind is made and the increase is counterbalanced by a decrease in the Sind *cadre.*

(3) as regards the appointments of First and Second Assistant Collectors, officers in Sind must receive their promotion at the same time as their contemporaries in the Presidency, each such promotion, which will increase the *cadre* up to a limit of three in each grade, being made as required to carry out the above scheme, without reference to the fact whether such increase causes an increase over the present combined Sind and Presidency *cadres.* Increases once made are to be permanent.

(G. R. No. 4573, dated 30th June 1890.)

15. A Covenanted Civilian serving in Sind can only be promoted when the Civilian next below him on the Presidency list becomes eligible for promotion. (G. I., H. D., No. 2399, dated 16th December 1889; *vide* G. R., No. 130, dated 8th January 1890.)

16. The Uncovenanted Officers of the Sind Commission are not under any legal disability in the matter of eligibility for appointment to the grade of Collector in Sind. (G. R. No. 313, dated 15th January 1892.)

17. The postings of Junior Civilians in Sind will be under the Commissioner. (G. R. No. 573, dated 26th January 1892.)

18. Special Sind allowances should be granted to Covenanted Civil Servants serving in the Land Revenue Department in Sind, namely, to a Collector or First Assistant Collector, substantive or acting, Rs. 100 a month; to a Second Assistant Collector, substantive or acting, Rs. 50 a month. (S. of S. No. 119, dated 3rd December 1885; *vide* G. R., No. 1182, dated 23rd February 1886.)

19. Members of the Covenanted Civil Service below the rank of Second Assistant Collector who may be employed in the Revenue Department in Sind should be granted a special allowance of Rs. 50 a month. (S. of S. No. 60 (Public), dated 8th July 1886; *vide* G. R. No. 6097, dated 25th August 1886.)

20. The two appointments of Deputy Commissioners in Sind are special and, carrying special pay, are not included in those for which the Sind allowance is granted. (G. R. No. 5041, dated 14th July 1886.)

21. The order of seniority of the Civil Servants who come out to India in any year is decided by the Despatch of the Secretary of State in which their appointment is communicated and is accepted by Government on that authority. The order can be altered by the Secretary of State only. (G. R. No. 6309, dated 25th October 1881.)

22. Having regard to the announcement made by the Civil Service Commissioners, with the permission of the Secretary of State, that 'the seniority in the Civil Service of India of the selected candidates shall be determined according to the order in which they stand on the list resulting from the final examination,' the position of Civil Officers in the Provincial Civil Lists should be regulated by the order in which they stand on the list resulting from the final examination in England, and should not in any way depend on the Departmental Examinations in India. It is, however, open to Local Governments to insert in the Civil List a separate statement showing the order of Civilians according to the date of passing the Departmental Examinations; but for the purposes of the general list the position of officers should, in the opinion of the Government of India, be determined by the order of merit shown at the final examination in England. (G. I., H. D., No. 11-415, dated 18th March 1885; *vide* G. R. No. 2894, dated 9th April 1885.)

23. Newly appointed Civilians are required to report their arrival in India within such period after the grant of their certificate of qualification as the Secretary of State may in each case direct. The general practice is to allow Civilians to report their arrival within five months from the date of their being certificated by the Civil Service Commissioners, but this practice does not admit of any one breaking or delaying his journey after leaving England without the special permission of the Secretary of State. (S. of S. No. 3, Public, dated 12th March 1885; *vide* G. R. No. 3024, dated 14th April 1885.)

24. The Comptroller of India Treasuries should be informed, when occasion arises, of the dates from which members of the Bombay Civil Service are permitted to retire from the service as well as of the amounts of annuities payable to each. (G. R., No. 8303, dated 13th October 1885.)

25. Under instructions from the Secretary of State, it is hereby notified for general information, that at and after the examination to be held in the year 1892 for the selection of candidates for the Civil Service of India, no candidate will be admitted to the examination whose age was less than 21 years and more than 23 on the 1st April preceding the date of examination. (G. I. Notn. No. 2183, dated 22nd November 1889; *vide* G. R. No. 9256, dated 6th December 1889.)

26. The concession of allowing newly appointed Civil Servants to remain in England an additional year for the purpose of graduating in Honours at

the Universities has been withdrawn, and no exception to this decision will be made. The young Civilians will be required to report their arrival in India within the prescribed period after passing their final examination. (S. of S. No. 4, Public, dated 9th January 1890; *vide* G. I., H. D., No. 316, dated 15th February 1890, and G. R. No. 1712, dated 4th March 1890.)

27. Information as regards casualties among Civil Servants of the Bombay Presidency occurring out of India, will be communicated to the Government of Bombay from the Home Department of the Government of India. (G. I., H. D., No. 428, dated 27th September 1892; *vide* G. R. No. 8219, dated 17th October 1892.)

28. The Secretary of State for India has decided that a Covenanted Civil Servant who is permanently transferred from one Presidency to another should, as heretofore, execute a fresh covenant, but that he must continue to subscribe to that fund (and that fund only) to which, at the time of transfer, he subscribes. (G. I., H. D., No. 1493, dated 9th October 1883; *vide* G. R. No. 7954, dated 26th idem.)

29. The following orders were issued in the case of an Indian Civil Servant who had been removed from the European General Hospital to the Lunatic Asylum:—

"Mr.—seems to have been treated with all kindness and consideration both in the Hospital and at the Asylum, but he should not have been sent by the Hospital authorities to the Asylum as a pauper, or through the intervention of the Commissioner of Police, under Section 4 of Act XXXVI of 1858, until at any rate other means provided for obtaining his admission into the Asylum had been exhausted. The course which should have been taken is that pointed out in the two last paragraphs* of the Surgeon General's letter. That officer should be so informed and requested to issue orders accordingly for the information and guidance of the officers of the Medical Department."

(G. R., F. D. No. 1941, dated 1st June 1891†.)

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*"4. But in Bombay, where there are many medical officers, Mr.——should have been sent to the Lunatic Asylum under Section 7 and without the intervention of the Commissioner of Police, by having Form A signed by two medical officers and Form B by any one interested in the patient, by myself or any Government Secretary. This would have been the best procedure in such a case as Mr.——'s. Still, had the papers been made out in Ratnágiri, they must have been so under Section 4, because there only one medical signature could have been obtained and a Magistrate's order must have been the authority for taking the insane person to the Asylum.

"5. I could not make any report to Government regarding Mr.——'s case, because the Physician in charge of the European General Hospital did not report to me, and indeed your letter under reply gave me the first information I had of the case. Considering Mr.——was a Government servant, his case should have been reported for the information of Government, and had it been so I would have appointed a Medical Board to report on the state of mind of Mr.——and he would then have been sent to the Lunatic Asylum without any order from the Commissioner of Police."

† G. R., G. D. No. 2473, dated 11th July 1891, directs that if a Covenanted Civil Servant should be brought to the European General Hospital, steps should be taken for the assembling of a

30. It is considered very important to have all the funds which are now, or may hereafter become Government funds like the Bombay Civil Fund, or in the management of which Government to any extent takes a part, dealt with in one special office. It is, therefore, undesirable to remove the management of the Bombay Civil Fund from the office of the Examiner of Funds, Calcutta, unless very strong grounds can be shown for the change.

Under the orders conveyed in the Despatch from the Secretary of State, No. 2, dated 21st February 1884, deductions on account of subscriptions to the Civil Fund will be made in England from the furlough allowances of a member on leave, any adjustment rendered necessary by changes in the families or other causes, being made by the Accountant General, Bombay, on the return of the member to duty in India. A member proceeding on furlough should be careful to see that the necessary particulars as to the recoveries to be made on account of the fund are duly noted in the last pay certificate by the Accountant General, Bombay, if he elects to arrange for the payment of his subscriptions in the manner abovementioned. While absent in England, the members are required also to report any changes both to the India Office and to the Examiner of Funds, Calcutta.

The authority to grant loans rests with the Government of Bombay, and the recovery of loans follows the grant of loans, and is watched by the Accountant General, Bombay.

With a view to remove any inconvenience which might arise from the time required for formal report from the Examiner of Funds, the Government of Bombay is authorized to admit families of deceased members provisionally to the benefits of the rules, pending receipt of report from the Examiner of Fund Accounts, under such precautions as the Local Government may think fit to prescribe.

(G. I., F. & C. No. 2186, dated 26th July 1884; *vide* G. R. No. 6681, dated 19th August 1884.)

31. The practice of the Bombay Civil Fund has been to charge interest on loans received by officers returning to India from an extension of ordinary furlough on medical certificate. The authority to issue orders regarding the grant and recovery of loans rests with the Government of Bombay, but in doubtful cases reference should be made to the Gov-

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Medical Board and the procuring of certificates as directed by the Surgeon General with the Government of Bombay in the following letter addressed by him to the Physician of that Hospital, No. 3066, dated 15th May 1891 :—

"With reference to the case of Mr.——— of the Bombay Civil Service, I am directed to inform you that he should have been sent to the Lunatic Asylum under Section VII of Act XXXVI of 1858 and not under Section IV (or VI). You should have reported the case for the information of the Surgeon General and then Mr.——— would have been brought before the standing Medical Board and sent to the Asylum under Form A signed by two medical officers and Form B signed either by a Secretary to Government or by the Surgeon General."

ernment of India, which will, if necessary, address the Secretary of State. (G. I., F. & C., No. 508, dated 30th April 1885; *vide* G. R. No. 3921, dated 15th May 1885.)

The following "Indian Civil Service Family Pension Regulations" are designed to secure suitable provisions for the widows and orphans of members of the Covenanted Indian Civil Service not being subscribers to the Bengal, Madras, or Bombay Civil Funds.

The Secretary of State for India in Council reserves to himself the absolute right to regulate from time to time the contributions to be required from Civil Servants under these regulations, and to make any alterations in the regulations themselves that may appear to him equitable; provided always that the scale of pensions fixed thereby shall not be reduced in the case of actual incumbents. The Secretary of State in Council will endeavour to adjust the contributions to be levied from officers exactly, so that they shall neither be too large nor too small to supply the pensions provided for by these regulations. But if it should appear on experience that they have been fixed too low, the Government will not require any supplementary retrospective payments; and if they are found to have been fixed too high, no claim to refund will be admitted.

No insurance fund is established by these regulations. The contributions will be credited and the pensions charged directly to the Indian revenues as civil receipts and charges. But in order to adjust the rates of contribution from time to time to what is necessary to supply the pensions provided for by these regulations and no more, a separate *pro formâ* account will be kept of all contributions levied and all payments made under these regulations, and of the interest which would have been allowed upon such contributions if a mutual insurance fund had actually been established.

In accordance with the principle announced in this notification, that the Government does not intend that the pensions provided by these regulations shall bring any charge on the Indian revenues in excess of the amount specially sanctioned for the purpose, the rates of interest and of exchange with England to be allowed in this *pro formâ* account will be the rates which may be fixed from time to time by the Secretary of State in Council upon a consideration of the market rates of the day.

All needful statistics of ages, births, deaths, and marriages will be carefully registered, and these statistics, with the *pro formâ* accounts, will be submitted at such periods as may be determined by the Secretary of State in Council to such actuary or actuaries as he may select, with instructions to investigate and ascertain whether the rates of contribution are such as will, at the rate of interest and exchange then to be reconsidered and refixed, supply the pensions payable under these regulations,

and no more. The expense of such actuarial inquiries and reports shall be debited in the *pro formâ* accounts reported upon.

Upon the report of the actuary or actuaries, the Secretary of State in Council will order any necessary alterations in the rates of contribution.

The report of the actuary or actuaries, with the orders of the Secretary of State in Council thereupon, shall be published in the *Gazette of India*, and no alteration ordered in the rates of contribution will take effect before the beginning of the month following the date of such publication. No retrospective adjustments will be made.

The benefits provided at the cost of the State are shown in the regulations; but should it at any time appear from a valuation that the aggregate liabilities on account of those benefits, when the pension list shall have reached a normal state, will exceed £35,000 per annum, they will be subject to such reduction as may be necessary to restrict the annual assistance to £35,000 per annum, but the reduction shall in no case affect the benefits payable to incumbent annuitants.

REGULATIONS FOR THE PROVISION OF PENSIONS FOR THE WIDOWS AND ORPHANS OF COVENANTED CIVILIANS IN THE SERVICE OF THE GOVERNMENT OF INDIA.

1. Every Covenanted Civil Servant, not being entitled to the benefits of any of the late Civil Funds, must, as a condition of his appointment, make the contributions and payments prescribed by these regulations according to his class, whether he is married or unmarried, and with or without children. Subscriptions will commence from the date of arrival in India.

2. For the purposes of these regulations Civil Servants are classed as follows:—

Class I.—From 18 years' completed service.
" II.—From 15 to 18 years' completed service.
" III.—From 12 to 15 years' completed service.
" IV.—From 7 to 12 years' completed service.
" V.—Up to 7 years' completed service.

3. The pensions provided under these regulations are payable quarterly in advance on or after 1st January, 1st April, 1st July, and 1st October.

4. The amounts of the pensions provided are as follows:—

TABLE I.

Annual pension to a Widow during widowhood according to the class of her husband at the time of his death.

	CLASS OF HUSBAND AT DEATH.				
	I.	II.	III	IV.	V.
	£	£	£	£	£
Provided by subscriber	300	240	180	140	100
Do. Government	...	60	120	110	150
Total ...	300	300	300	250	250

Widows retain half pension on re-marriage and revert to full rate on second widowhood.

TABLE II.

Annual pensions to the Orphan Children of all classes alike.

	From birth till age of 6 years.	From age of 6 till age of 12 years.	From age of 12 till age of 21 years for boys, and for girls till marriage.
	£ s. d.	£ s. d.	£ s. d.
Provided by subscriber	18 15 0	37 10 0	75 0 0
Do. Government	6 5 0	12 10 0	25 0 0
Total ...	25 0 0	50 0 0	100 0 0

The pensions of motherless orphans at all ages will be made up by the Government to £100.

On marriage, daughters will be granted a donation of £250 to be provided by the Government.

Annuitants residing in India may either receive their pensions in Indian currency at the official rate of exchange, or in England in sterling; but having once exercised the option, any subsequent change can only be permitted at the commencement of the official year.

5. The pension of a minor orphan will be paid to his or her mother, or other duly appointed or recognised guardian.

Contributions.

6. The contributions for pensions under these regulations and the pensions of widows will be regulated by the class of the contributing member. A subscriber cannot secure a higher pension for a widow by contributing as if he belonged to a higher class.

7. Contributions will be deducted from salaries at the time of issue.

8. The circumstance that an officer is not in receipt of pay does not relieve him from the necessity of paying his contributions.

9. *Donations* may be paid in one sum, or in twelve equal monthly instalments. If a donation be paid in instalments, interest on the unpaid portion will be levied at the rate of 4½ per cent. per annum. Instalments will be liable to alteration in amount according to the rate of exchange which may be enforced for the year during which they are recovered, in accordance with the principle laid down that the equivalent of sums payable in sterling shall be paid by the subscribers in India. The

balance of any contribution due at an officer's death will be recovered rateably, without interest, from the pensions of his widow and orphans in four quarterly instalments.

10. Contributions which become due from subscribers when in Europe must be paid in England in sterling. If a subscriber, previous to quitting India, has commenced the payment of any donation by instalments, he may either complete the payment of the donation in India before leaving, or pay the remaining instalments in England at English rates.

11. The following are the rates of donations, disparity fines, and monthly contributions prescribed for the present:—

TABLE III.

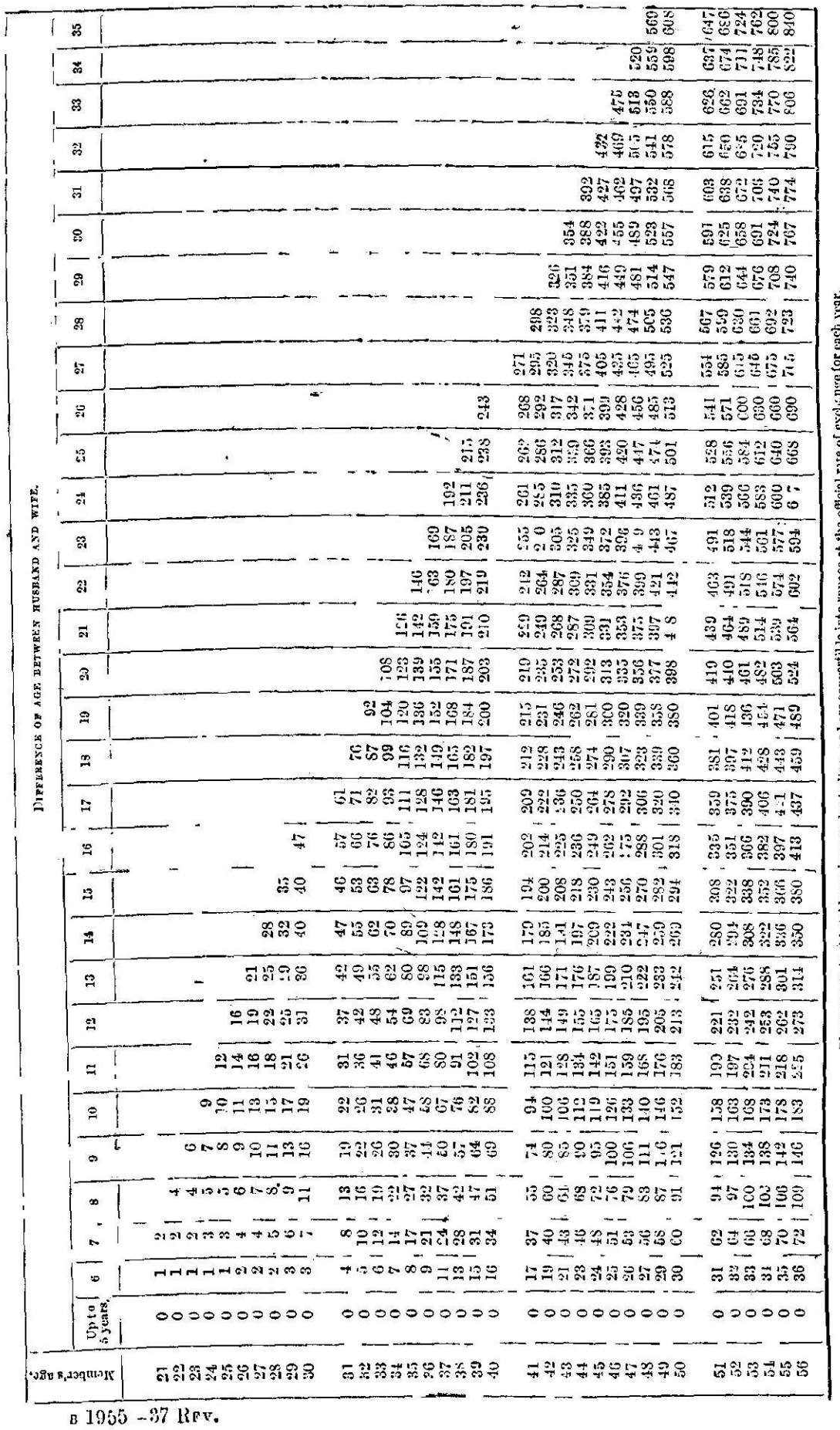
Donations on entering the service married, on marriage, or re-marriage, according to the age of member.

Member's age on marriage.	Donation.	Member's age on marriage.	Donation.
	£		£
21	60	39	190
22	62	40	220
23	64	41	260
24	68	42	300
25	72	43	330
26	76	44	360
27	80	45	385
28	84	46	410
29	88	47	435
30	92	48	450
31	96	49	470
32	100	50	490
33	105	51	505
34	110	52	520
35	115	53	535
36	125	54	560
37	140	55	580
38	160	56	600

TABLE IV.

Disparity of age.

If the age of the husband exceed that of the wife by five years or more, then the marriage donation shall be increased according to the following scale:—



The amounts in this table are in pounds sterling, and are convertible into rupees at the official rate of exchange for each year.

TABLE V.

Monthly contribution by every Subscriber according to his class.

Class.	Years' service.	By each Married Subscriber.		By each subscriber who is unmarried or a widower.
		Fixed sterling rate.	Reduced temporarily 27½ per cent.	
		£ s. d	£ s. d.	£ s. d.
V	0 to 7	1 13 4	1 4 2	1 5 0
IV	7 to 12	2 16 8	2 1 1	1 15 0
III	12 to 15	4 6 8	3 2 10	2 12 0
II	15 to 18	6 16 8	4 19 1	3 12 0
I	18 and over	9 13 4	7 0 2	.....
	18 to 23	...	...	4 15 0
	23 to 28	...	...	5 15 0
	28 till retirement	...	...	7 5 0
After retirement, irrespective of class...		4 3 4	3 0 5	2 1 8

TABLE VI.

Monthly contribution payable by all classes alike on the birth of a child, and on entering the service for each child then living.

	Fixed sterling rate.			Reduced temporarily 27½ per cent.		
	£	s.	d.	£	s.	d.
For a son	0	11	5	0	8	3
For a daughter ...	1	1	3	0	15	5

The monthly contribution continues in the case of sons until 21 years of age, and for daughters until marriage.

Arrears.

12. Interest at the rate of 4½ per cent. per annum will be charged on arrears. Donations become due from the date of marriage; but interest will not be charged on sums paid within one month from the date on which they become due.

Reports of Marriages, Births, and Deaths.

13. A Civil Servant who is married at the date of his admission into the service must report the fact of his marriage* at the time, and the names and dates of birth of his children if any have been

* Reports of marriage must be accompanied by a certified copy of the registry, together with the dates of birth of the member and his wife.

born to him. A member in the service must report his marriage,* or the birth of a child born in wedlock, or the death of a wife or child, within one month of the occurrence, to the † Comptroller, India Treasuries, at Calcutta, or the Director of Funds, India Office, when an officer is out of India.

14. The birth of every child born alive must be reported; but if a child die before it is thirty days old, no payment in respect to it will be required. If the report of birth be not made within one month of the occurrence, a fine of 12*s.* will be imposed, and an additional 2*s.* will be charged for each succeeding month's delay.

15. If the report of a marriage be not made within one month of the occurrence, the donation payable will be increased 2½ per cent., and interest thereon charged from the date of marriage. After six months' delay the donation will be increased 5 per cent., and interest charged as above. An officer, who is subjected to the penalty prescribed in this article for delay in reporting his marriage, and who desires to pay his donation by instalments under Art. 9, should be allowed twelve months from the date of his report to do so.

16. In the event of the report of a marriage or the birth of a child not being made by a subscriber during his lifetime in accordance with the rules, the widow or child will not be entitled to any benefits.

Posthumous Child.

17. A pension will be granted to a posthumous child without any payment, provided the birth be reported within one month of the occurrence.

Duration of Pensions.

18. If a widow re-marry, she will retain half her pension during coverture; but if she again become a widow, she will be entitled to revert to full pension as widow of her first husband, or, if her last husband have been a contributor, to receive a pension at her option as his widow. A widow can only receive one pension.

19. The pension of a male orphan is payable until he attains the age of 21 years.

20. The mother or guardian of a male orphan who has completed the age of 16 may, at any time thereafter, have the residue of his pension commuted into a single payment, for the due application of which the mother or guardian will be held responsible.

21. The pension of a female orphan continues until her marriage, and then ceases absolutely. It does not revive on widowhood.

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* Reports of marriage must be accompanied by a certified copy of the registry, together with the dates of birth of the member and his wife.

† G. I., F. & C., Notn. No. 22?, dated 17th January 1896; *vide* G. R. No. 1228 dated 8th February 1896.

Good Conduct.

22 The pension provided under these regulations shall in all cases be held during good behaviour only, and will be withheld if any pensioner is found to be leading an immoral life, or on proof of any gross misconduct. The order of the Secretary of State for India in Council in any such case shall be final and conclusive.

Alienation of Pension.

23. A pension paid under these regulations may not be transferred or assigned, or in any way alienated from the pensioner to whom or for whose benefit it is payable.

Retired Members.

24. All members who retire from the service on annuities may continue to subscribe at the monthly rates laid down in these regulations.

25. Married annuitants may commute their monthly contribution by a single payment representing the value thereof during the joint lives of husband and wife and father and child.

26. In the event of the wife dying after the date of commutation, contribution at the unmarried rate must be resumed, or, as an alternative, it may be commuted.

27. An annuitant who has commuted will on re-marrying become liable for marriage donation and the difference between the married and unmarried rates of contribution, or the commuted value on the joint lives.

28. Widowers and bachelors may also commute their monthly contribution for life. On each subsequent marriage they will become liable for the donation and difference of contribution laid down in the previous article.

29. Contribution or its commuted value must be paid for all children born to a subscriber after his retirement from the service.

30. An annuitant withdrawing his name from the list of subscribers will forfeit all claim to pension in respect of his widow and children, and will not be entitled to any refund of his payments under these regulations.

Dismissed Members.

31. A subscriber who is dismissed the service by competent authority will cease, *ipso facto*, to be a contributor. He will have no claim to any refund, and his family will not be entitled to any pensions under these regulations.

Certificates.

32. Declarations as to continued widowhood and the survival of children must be furnished quarterly to the Accountant General, India Office, by whom

pensions in Europe are paid under the authority of the Director of Funds, or to the proper officer in India.

Note.—In England all reports and applications for pensions must be made to the Director of Funds, India Office, Whitehall, London, S.W.

(G. I., F. & C., No. 3094-P, dated 17th July 1896, and No. 3215-P, dated 23rd July 1898; *vide* G. Rs. No. 8728, dated 5th November 1896, and No. 5281, dated 16th August 1898.)

32. In the construction of the scheme for granting pensions under Civil Service Family Pension Regulations, it was assumed that service for the purpose of transfer from class to class would commence from the date of the covenant of a Civil Servant or from the date of the Despatch of the Secretary of the State announcing the appointment (whichever may have been earlier) as laid down in the Civil Pension Code. (S. of S. No. 4 (Finl. Funds), dated 13th June 1889; *vide* G. R. No. 5884, dated 13th August 1889.)

No 660
23/10/99

CUSTOMS [INCLUDING LAND CUSTOMS, PORTS, LIGHT DUES, AND TOBACCO (BOMBAY TOWN) ACT IV OF 1857].

I.—RECRUITMENT AND ORGANIZATION OF THE DEPARTMENT.

1. The posts of Commissioner of Customs and Collector of Customs, Bombay, will be held by members of the Covenanted Civil Service. The office of Assistant Collector of Bombay with its attached duties in the Land Revenue, Customs, Opium, Registration, Stamps and Stationery Departments will ordinarily be held by a Covenanted Civilian although not absolutely reserved for members of the Covenanted Civil Service. Appointments in the appraising, gauging and preventive branches of the Customs Department will be open to qualified persons irrespective of race. (G. R. No. 1665, dated 4th March 1891.)

2. His Excellency the Governor in Council is pleased, with the approval of the Government of India, to prescribe the following rules for the recruitment and organization of the Customs Department in the Bombay Presidency:—

Rules.

1. The appointments of Assistant Collectors of Customs (except that of the Assistant Collector of Bombay, with its attached duties in the Land Revenue, Customs, Opium and other Departments,) and of Superintendent of the Preventive Service will ordinarily be filled by members of the Bombay Provincial Service. All appointments of a lower class in the Customs Department shall be held to constitute the subordinate Customs Service. For the purpose of these rules the Opium Department shall be regarded as a branch of the Customs Department.

2. The rules for regulating the admission of candidates into the lower grades of the public service published under notification of Government in the Educational Department No. 597, dated 4th April 1888, or such rules as may hereafter be made in modification or supersession of them, will ordinarily apply to all first appointments to the subordinate Customs Service. In filling up those appointments, however, candidates who have passed the University Examination for a degree in Science or Arts in such subjects as fit them for Customs work shall be accorded preference over candidates who have passed the First Examination for the degree of B.Sc. or B.A., and the latter shall be accorded preference over candidates who have merely passed the School Final Examination.

3. The Collector shall have the power to appoint to the appraising, gauging and preventive branches, on the ground of special qualifications

for technical duties, persons who may not have satisfied the conditions prescribed in those rules.

4. Every person appointed to the subordinate Customs Service shall be required to pass at the first examination held after he has served for one year in the following subjects:—

A.

(1) Employés who are natives of India and whose vernacular is native to India—

English, comprising handwriting, spelling and ability to draft clearly and correctly.

(2) Europeans or natives of India whose vernacular is English—

Hindustáni, Maráthi or Gujaráti, comprising fluent conversation and translation of easy narrative from English into vernacular and from the vernacular into English.

B.

The following Acts:—

Indian.—The Arms Act No. XI of 1878.

" The Sea Customs Act No. VIII of 1878.

" The Merchandise Marks Act No. IV of 1889.

" The Merchant Shipping Act No. VII of 1880.

" The Native Passenger Ships Act No. X of 1887.

" The Opium Act No. I of 1878.

" The Petroleum Act No. XII of 1886.

" The Ports Act No. X of 1889.

" The Transport of Salt Act No. XVI of 1879.

" The Stamp Act No. I of 1879.

" The Tariff Act No. XI of 1882 and amending Acts.

Bombay.—The Abkári Act No. V of 1878.

" The Salt Act No. II of 1890.

" The Tobacco Act No. IV of 1857.

C.

Departmental Orders.

5. An employé who fails to pass at the first examination held after he has served one year shall be liable to be removed from his appointment, but he may be retained till the next subsequent examination, failing to pass which he shall be removed from his appointment.

6. No person will be confirmed in the gauging branch until he satisfies the Collector of his ability to use gauging rods and callipers correctly and produces a certificate from the Chemical

Analyser to Government of ability to test petroleum and to test liquors by distillation.

7. No person will be confirmed in the examining branch until he satisfies the Collector of his general knowledge of commercial products and of his competence to assess values of various articles.

8. Promotion will ordinarily be given within the several branches, but it will be competent for the Commissioner or Collector to transfer an employé from one branch to another on the ground of special fitness for the duties to be performed in a post which falls vacant.

9. In the Customs Department the superior appointments, except as to places specially reserved as provided for by law or by these rules, will ordinarily be filled by promotion according to proved merit and fitness from amongst members of the subordinate service.

10. If a vacancy cannot be filled in accordance with the last rule, it may be filled by transfer from another Department of the Bombay Provincial Service or by the appointment of a person who has qualified as a candidate for the Bombay Provincial Service.

11. In the event of its not being possible to fill a vacancy in accordance with either of the two preceding rules the Governor in Council shall appoint by selection.

12. Every person appointed to a place ordinarily filled according to the provisions of Rule 9 shall be required to pass at the first examination held after the lapse of one year from the date of appointment an examination in the following subjects, unless he has already passed an examination in those subjects:

A.

The following Acts:—

Indian.—The Arms Act No. XI. of 1878.

" The Sea Customs Act No. VIII of 1878.

" The Emigration Act No. XXI of 1883.

" The Explosives Act No. IV of 1884.

" The Merchandise Marks Act No. IV of 1889.

" The Merchant Shipping Act No. VII of 1880.

" The Native Passenger Ships Act No. X of 1887.

" The Navigation Act XI of 1850.

" The Opium Act No. I of 1878.

" The Petroleum Act No. XII of 1886.

" The Ports Act No. X of 1889.

Indian.—The Ships Registry Act No. X of 1841.

" The Transport of Salt Act No. XVI of 1879.

" The Stamp Act No. I of 1879.

" The Steam Ships Act No. VII of 1884.

" The Tariff Act No. XI of 1882 and amending Acts.

Bombay.—The Abkári Act No. V of 1878.

" The Registry of Vessels Act No. XIX of 1838.

" The Salt Act No. II of 1890.

" The Survey of Steam Vessels Act No. IV of 1873.

" The Tobacco Act No. IV of 1857.

B.

Standing Orders, Rules and Notifications under those Acts.

13. If an officer required to pass the examination under the preceding rule fails to pass within the time prescribed he shall be liable to be removed from his office, but it shall be competent to the Governor in Council to extend his period of probation for a further period of one year.

Note.—These rules are liable to modification hereafter should it be found necessary to effect any changes in them in order to bring them into accord with any scheme for the constitution of the Bombay Provincial Service which may eventually be adopted.

(G. N. No. 1665, dated 4th March 1891.)

3. The Governor in Council is pleased to direct the following additions to Rule 12 of the rules for the recruitment and organization of the Customs Department published under Government Notification No. 1665, dated 4th March 1891 :—

"Every such person shall also be required to pass at the first examination held after the lapse of one year from the date of his appointment an examination according to the Higher Standard in Hindustáni, Maráthi or Gujaráti, unless he has already passed such test within two years of his appointment.

"An officer may appear in both law and language or in one only of these subjects at the first examination, and if he passes in one only will ordinarily be exempted from the necessity of again appearing in that subject, and allowed a further period of one year to qualify in the other.

"Examinations under this rule will be conducted by the Central Committee for Departmental Examinations."

(G. N. No. 7893, dated 5th October 1892.)

4. His Excellency the Governor in Council is pleased to make the following modifications with regard to the Departmental Examination of the

officers of the Preventive Department of the Bombay Customs House in the rules published by Government Notification No. 1665 of the 4th March 1891 for the recruitment and organization of the Customs Department in the Bombay Presidency:—

Rules.

1. Every officer of the Preventive Department shall be required, after he has served for one year, to pass an examination in the following subjects:

A.

(1) Officers who are natives of India and whose vernacular is native to India—English, comprising handwriting, spelling and ability to draft clearly and correctly.

(2) Officers whose vernacular is English—Hindustáni, Maráthi or Gujaráti, colloquial test.

B.

The following Acts:—

Indian.—The Arms Act No. XI of 1878, Sections 1, 4 and 6 to 12, with the rules for Transport, Import and Export.

" The Sea Customs Act No. VIII of 1878.

" The Merchant Shipping Act No. VII of 1880, Sections 33 to 53.

" The Native Passenger Ships Act No. X of 1887, Chapters I—IV.

" The Opium Act No. I of 1878 and Rules: the parts relating to Import, Export and Transport, and Sections 15 to 21.

" The Petroleum Act No. XII of 1886, Sections 3, 7, 9 and 10 and Import Rules 1—22.

" The Ports Act No. X of 1889, Sections 33 and 34 and Part 3 of Schedule I.

" The Tariff Act No. XI of 1882 and amending Acts.

Bombay.—The Ábkári Act No. V of 1878, Sections 3, 9, 10, 12 and 36 to 42, 54 and 55.

" The Salt Act No. II of 1890, Section 3, clauses (*d*) to (*h*) and (*k*) to (*o*), and Sections 34, 36, 38, 41, 43 and 44.

" The Tobacco Act No. IV of 1857, Sections 2 to 4, 6 to 9, 11, 12, 18 and 19.

C.

Standing Orders.

2. The examination will be divided into two parts—

(i) The Sea Customs Act.

The Tariff Act.

Standing Orders with the vernacular, to be taken at the end of the first year, and

(ii) The Miscellaneous Acts and Rules, to be taken six months later on.

3. Officers who pass only this lower test are not eligible for appointments in the gauging and other branches of the Customs House unless and until they pass the higher test under the rules prescribed in the above quoted notification.

4. These rules do not bar any officer from examination under the higher test.

(G. N. No. 5511, dated 31st July 1893.)

5. The Departmental Examinations which officers of the Customs Branch of the Provincial Service have to pass under Rule 12 of the rules for the recruitment and reorganization of the Customs Department prescribed by Government Notification No. 1665, dated 4th March 1891, should be conducted in Bombay by the Central Committee, and in Sind by the Branch Committee, for Departmental Examinations, the Collector of Customs or his Assistant being appointed an additional member of the Examination Committee.

The examination prescribed for members of the Subordinate Customs Service should be held in Sind annually at the Collector's kacheri, Karáchi and should be conducted in the same way as the Subordinate Departmental Examinations of the Revenue, Police and Registration Departments; the question papers being drawn up by the Collector of Customs, Karáchi, who, or in his absence, his Assistant, should form one of the Committee in respect of this examination. In Bombay the examination may continue to be held annually at the office of the Collector of Customs, Bombay, and conducted by a Committee consisting of the Collector as President and two members appointed by the Commissioner from among the Assistant Collectors of Customs or Salt Revenue in Bombay.

(G. Rs. Nos. 6686, dated 29th September 1891, and 8729, dated 17th December 1891.)

6. The test for the Maráthi and Gujaráti Higher Standard Examination referred to in Government Notification No. 7893, dated 5th October 1892, should be the same as that prescribed for the Junior Civil Servants' Higher Standard Departmental Examination in those languages. The same degree of proficiency should be required of the candidates for the Higher Standard in Hindustáni as in Maráthi and Gujaráti, and the subjects of examination should be the same, *viz.*:—

(1) Translation from English.

(2) Translation into English.

(3) Reading and explaining native papers and conversation.

(G. R. No. 1477, dated 23rd February 1893.)

II.—APPOINTMENTS AND POWERS OF OFFICERS, &c.

1. In exercise of the power conferred in this behalf by Section 6 of Act VIII of 1878 (The Sea Customs Act, 1878), and in supersession of all previous notifications on the same subject, the Governor of Bombay in Council is pleased to appoint the following officers of Customs to exercise the powers conferred, and to perform the duties imposed by the said Act, on the said officers, in the manner hereinafter prescribed, namely :—

* * * * *

(3) The Collector of Salt Revenue to be the Chief Customs Officer for all the Continental ports of the Presidency of Bombay, and to exercise for such ports the powers indicated in Section 182 (*a*) ;

(4) The Deputy Collector of Salt Revenue for the Southern Division to be the Chief Customs Officer at all ports in the said Division, and to have the powers indicated in Section 182 (*a*) ;

* * * * *

(6) All Assistant Collectors of Salt Revenue to be Customs Collectors at all ports within their respective charges, and to have the powers indicated in Section 182 (*b*) ;

(7) The officer in charge of the Customs House at Kárwár, all Sir-Kárkuns in charge of tálukas, and all other officers in charge of Custom-houses at the Continental ports, to be Customs Collectors for the ports in their respective charges, and with the exception of officers of a lower rank than a Sir-Kárkun, to have the powers indicated in Section 182 (*c*).

(G. N. No. 6512A, dated 20th September 1882.)

2. In exercise of the power conferred by Section 6 of the Sea Customs Act, VIII of 1878, His Excellency the Governor in Council is pleased to authorize the Commissioner in Sind to exercise, subject to Government, the chief control in matters relating to Sea Customs in the Province of Sind.

(G. N. No. 7943, dated 8th October 1884.)

3. In exercise of the power conferred by Section 6 of Act VIII of 1878 (The Sea Customs Act, 1878), and in supersession of all previous notifications on the same subject, the Governor of Bombay in Council is pleased to appoint the following officers to be officers of Customs as hereinbelow respectively specified, and to exercise the powers conferred, and to perform the duties imposed by the said Act on such officers respectively, namely :—

(1) The Commissioner of Customs, Salt, Opium and Abkári to be the Chief Customs Authority throughout the Presidency of Bombay, except for the ports in Sind and the port of Aden ;

(2) The Collector of Land Revenue, Customs and Opium, Bombay, to be the chief Customs officer at the port of Bombay and to be a Customs Collector for that port ;

(3) The First Assistant Collector of Bombay to be a Customs Collector for the port of Bombay, except for the purposes of Section 182 of the said Act, and to be an Assistant Collector of Customs for the purposes of clause (*b*) of the said section;

(4) The Assistant Collector of Customs stationed at the Prince's Dock, Bombay, to be a Customs Collector for the port of Bombay, except for the purposes of Section 182 of the said Act, and to be an Assistant Collector of Customs for the purposes of clause (*b*) of the said section.

(G. N. No. 4437, dated 25th May 1892.)

4. In exercise of the power conferred by Section 6 of Act VIII of 1878 (The Sea Customs Act), and in continuation of Notification* No. 1674 A, dated 9th March 1892, the Governor of Bombay in Council is pleased to appoint the following officers of Customs, respectively, as set forth below, to exercise the powers conferred and to perform the duties imposed on a Customs Collector by the sections of the said Act hereinafter specified in respect of each such officer:—

* Misquoted for G. N. No. 4137, dated 25th January 1892.

1. The Assistant Collectors in charge of the Import and Export Departments of the Bombay Custom House—Sections 24, 29, 42, 55, 57, 58, 61, 62, 63, 64, 65, 66, 86, 120, 121, 128, 137, 141, 143, 158, 159, 160, 161, 195 and 201.

2. The Superintendent, Preventive Service—Sections 59, 67, 85 and 201, and to the extent of granting written permission (*a*) under Section 70 when a vessel has been entered inwards under Section 57, or outwards under Section 61, for the discharging and shipping respectively without the presence of a Customs officer, of all cargo—

(1) to be discharged or shipped in the Wet Docks;

(2) to be discharged or shipped in the stream by a steamer or square-rigged vessel, except dutiable, restricted or doubtful goods;

(3) to be discharged or shipped by a country craft at the free anchorage;

and (*b*) under Section 72 for discharging and shipping or water-bearing goods beyond the notified hours on other than Sundays, holidays or prohibited days.

3. The Preventive officers in charge of the Máhim, Warli and Arthur Bandar Custom Houses—Sections 158, 159, 160 and 201.

4. All Preventive officers in the Town and Island of Bombay to the extent of granting under Section 72 written permission to land, at the several wharves where such landing is allowed, fresh fruit, vegetable and live-stock on all days, including Sundays and holidays.

(G. N. No. 4437-A., dated 25th May 1892.)

Note.—A similar notification prescribing and limiting the powers and duties of officers of Customs at the ports of Karáchi, Keti Bandar and Sirganda has been issued by the Commissioner in Sind under Section 9, and will be found reproduced in its proper place.

In exercise of the powers conferred by Section 6 of the Sea Customs Act VIII of 1878, His Excellency the Governor in Council is pleased, in supersession of clause (1) of sub-paragraph (*a*) of Notification No. 3681A, dated 15th May 1897, to appoint the Collector of Customs and Salt Revenue in Sind to be Chief Customs Officer for all ports in Sind and to be Chief Customs Collector in Sind.

(G. N. No. 9231, dated 20th December 1897.)

5. Section 6 of the Sea Customs Act, 1878, does not limit the power of a Local Government to appointing officers of Customs only in places where duties of Sea Customs are leviable. No such limitation is either expressed or intended in that section. The section runs, 'the Local Government of every place in which duties of Sea Customs are leviable, may appoint such persons as it thinks fit to be officers of Customs, and to exercise the powers conferred, and to perform the duties imposed, by this Act on such officers.' But the words 'of every place in which duties of Sea Customs are leviable' qualify the words 'Local Government' only, and not the officers of Customs who may be appointed. No Local Government could, under that section, appoint officers of Customs unless it were the Local Government of a place in which duties of Sea Customs are leviable. The powers and duties conferred and imposed by the Act on Customs officers may be prescribed and limited with the sanction of the Local Government by the Chief Customs Authority under Section 9 (*a*), and when there is no Customs House the duties of officers of Customs would, unless the Local Government otherwise direct, be performed by the Collector of the District and his subordinates. But it is open to the Local Government to direct that in such places Customs officers should perform such duties, and then the Chief Customs Authority can, with the sanction of Government, prescribe and limit the powers and duties of such officers of Customs. Section 8, it may be noted, provides only for the performance, by Collectors and their subordinates, of duties imposed, not for the exercise by them of powers conferred. (L. R. No. 238, dated 18th February 1891; *vide* Government Resolution No. 1638, dated 3rd March 1891.)

6. His Excellency the Governor in Council is pleased under the powers vested in him by Section 7, Chapter II, of the Sea Customs Act, 1878, to delegate to the Commissioner in Sind authority to appoint officers of Sea Customs to the charge of the ports and wharves in the Province of Sind declared to be such under the foregoing notifications*). (G. N. No. 5725 C, dated 27th October 1879.)

* *I. e.* Notification Nos. 5725 and 5725 B, dated 27th October 1879; *vide* Orders Nos. 4 and 5, Sub-head III.

7. In exercise of the power conferred by Section 7 of Act VIII of 1878 (The Sea Customs Act, 1878), the Governor of Bombay in Council is pleased to delegate the following powers, vested in Govern-

ment by the first clause of Section 6 of the Act, to the following officers in the manner hereinbelow prescribed, namely :—

(1) To the Chief Customs Authority.	The power of making all appointments of persons to be officers of Customs, excepting the appointments of gazetted officers in the Customs Department.
(2) To the Collector of Customs and the Collector of Salt Revenue.	The power to appoint persons to be officers of Customs within their respective jurisdictions on salaries under Rs. 100, subject to such limitations as the Chief Customs Authority may impose on such power of appointment under Section 9 (*a*).
(3) To the Deputy and Assistant Collectors of Salt Revenue.	The power to appoint persons to be officers of Customs within their respective jurisdictions, subject to such general or special rules as may from time to time be prescribed.

(G. N. No. 6512 B, dated 20th September 1882.)

8. In exercise of the power conferred by Section 7 of the Sea Customs Act-VIII of 1878, His Excellency the Right Honourable the Governor in Council is pleased to authorize the Commissioner of Customs, Salt, Opium and A'bkári to appoint such persons as he thinks fit to be officers of Customs, and to exercise the powers conferred and to perform the duties imposed by the Act on such officers. (G. N. No. 645, dated 23rd January 1884.)

Under the authority delegated to him by Government under Section 7 of the Sea Customs Act, 1878, the Commissioner of Customs, Salt, Opium and A'bkári hereby appoints the Superintendent, Coast Guard Service, and Coast Guard Inspectors of the Salt and Continental Customs Department and their crews to be officers of customs. (Commissioner of Customs No. 783 of 26th January 1884.)

The Commissioner of Customs, Salt, Opium and A'bkári, with the sanction of Government, hereby authorizes the Superintendent, Coast Guard Service, and Coast Guard Inspectors of the Salt and Continental Customs Department and their crews to exercise the powers and perform the duties indicated in Section 166 of the Sea Customs Act, 1878. (Commissioner of Customs No. 785, dated the 26th January 1884.)

9. In exercise of the power conferred in this behalf by Section 188 of Act VIII of 1878 (The Sea Customs Act, 1878,) and in supersession of all previous notifications on the same subject, the Governor of Bombay in Council is pleased to empower the following officers of Customs, in virtue of their office, to hear appeals under the provisions of the said Act, namely :—

(1) * * * *

(2) The Collector of Salt Revenue to hear appeals from decisions passed by Customs Collectors subordinate to him;

(3) The Deputy Collector of Salt Revenue for the Southern Division to hear appeals from deci-

sions passed by Customs Collectors, subordinate to him, invested with powers not exceeding those indicated in Section 182 (*c*).

(G. N. No. 6512 D, dated 20th September 1882.)

10. In exercise of the power conferred by Section 188 of the Sea Customs Act, No. VIII of 1878, and in modification of so much of Government Notification No. 6512 D, dated 20th September 1882, as relates to the powers conferred on the Collector of Customs, Bombay, His Excellency the Governor in Council is pleased to empower the Collector of Customs, Bombay, in virtue of his office, to hear appeals under the provisions of the said Act from decisions passed by the Customs Collectors subordinate to him. (G. N. No. 2562 A, dated 27th April 1887.)

In exercise of the powers conferred by Section 188 of the Sea Customs Act VIII of 1878, His Excellency the Governor in Council is pleased to empower the Customs Collector, Karáchi, in virtue of his office to hear appeals under the provisions of the said Act from decisions passed by the Customs Collectors subordinate to him. (G. N. No. 3681 B, dated 15th May 1897.)

11. In exercise of the powers conferred by Section 9 of the Sea Customs Act, 1878, the Chief Customs Authority in Sind is pleased, with the sanction of the Governor of Bombay in Council, to make the following Rules prescribing and limiting the powers of officers of Customs at the ports of Karáchi, Keti Bandar and Sirganda :—

1. In these Rules 'the Act' means the Sea Customs Act, 1878, and 'Section' means a section of that Act.

2. The Senior Assistant Collector of Customs shall for the port of Karáchi exercise all the powers conferred and perform all the duties imposed by the Act on a Customs Collector with the exception of those indicated in clause (*a*) of Section 182 of the Act.

3. The Junior Assistant Collector of Customs shall for the port of Karáchi exercise all the powers conferred and perform the duties imposed on a Customs Collector by Sections 24, 29, 42, 55, 57, 58, 59, 61, 62, 63, 64, 65, 66, 86, 120, 121, 128, 137, 141, 143, 158, 159, 160, 161, 195, 200 and 201.

4. The Head Preventive Officer shall for the port of Karáchi exercise the powers conferred upon a Customs Collector by Sections 24 and 67, and shall have power to grant written permission, under Section 72 of the Act, for the landing of fresh fruit, vegetables and live stock—

(*a*) on any Sunday or holiday,

(*b*) on any day beyond the hours from time to time appointed by the Chief Customs Authority by notification in the official Gazette at any wharf which is appointed for the landing of such goods.

5. The officer in charge of Customs, Keti Bandar, and the officer in charge of Customs, Sirganda, shall for their respective ports exercise the powers conferred and perform the duties imposed on a Customs Collector by Sections 24, 29, 55, 57, 58, 61, 62, 63, 65, 86, 137, 141, 143, 158, 159, 160, 161, 195, 200 and 201.

(Commissioner in Sind's Notification No. 4682, dated 7th September 1897.)

12. The Customs Department, Bombay, is authorized to purchase canoes at prices varying from Rs. 60 to Rs. 150. (G. R. No. 2112, dated 11th June 1860.)

13. The authority conveyed in the foregoing Resolution is applicable also to the Collector of Salt Revenue. (G. R. No. 2514, dated 1st May 1875.)

14. The Commissioner of Customs, Salt and Opium is authorized to dispose of dead-stock articles to the same extent as the Revenue Commissioners. (G. R. No. 388, dated 30th January 1865.)

15. The Port Officer, Kárwár, is a Customs officer under the Collector of Salt and Continental Customs, but requisitions by the Collector of the District should be attended to by the Port Officer, and he should also be consulted on local matters in which he necessarily has an interest, and on which his local knowledge will be valuable. (G. R. No. 6, dated 2nd January 1877.)

16. As a rule, all Resolutions or orders relating to the port of Kárwár should be addressed to the Collector of Salt Revenue and not communicated direct to the Port Officer, Kárwár. (G. R. No. 5521, dated 10th September 1877.)

17. Orders to the Port Officer, Kárwár, will in future be issued through the Collector of Salt Revenue. (G. R. No. 2346, dated 2nd May 1879.)

18. The designation of the Assistant Collector in charge of the accounts office of the Customs, Salt and Opium Departments should be "Chief Account Officer." (G. R. No. 7892, dated 13th November 1882.)

19. The Government of India have not directed that Native Assistant Collectors of Customs should be styled Ráo Bahádur or Khán Bahádur. When writing of them the usual courtesy title of Mr. should be used. (G. R. No. 8473, dated 4th December 1882.)

20. Native officers employed in the Customs Department on a salary of Rs. 150 and upwards should be officially addressed as Ráo Sáheb or Khán Sáheb. (G. R. No. 706, dated 24th January 1885.)

21. British Customs authorities do not possess any legal authority to enforce at British ports fines and penalties imposed at Portuguese Indian ports by Portuguese authorities. (G. R. No. 6049, dated 8th September 1887.)

22. The Commissioner of Customs, Salt, Opium and A'bkári may reside in Poona during the monsoon months, on the distinct understanding that Government are not called on to incur any expenditure on account of providing office accommodation for his office establishment. (G. L. No. 9463, dated 15th December 1889).

23. The rules made by the Chief Customs Authority must be consistent with the Sea Customs Act, VIII of 1878. He cannot by rule vary the imperative requirements of the Act. (L. R. No. 162, dated 3rd February 1890; *vide* G. R. No. 1278, dated 18th idem.)

24. Looking at Section 9 of the Sea Customs Act, 1878, as a whole, it as well as the chapter in which it occurs is plainly concerned with the appointment, powers and duties of officers of Customs, and the general words used in clause (*c*) must according to ordinary principles of construction be limited by the more specific words of the preceding clauses (*a*) and (*b*). Of course it is possible that the effect of a rule relating to the powers or duties of Customs House officers might incidentally be to impose a liability on the public, and it cannot be said that the rule would be thereby invalidated. But the primary object of the rule must be to carry out some one or more of the provisions of the Act through the instrumentality of the officers of Customs. (Adv. Gen. No. 53, dated 9th May 1891; *vide* G. R. No. 3687, dated 24th idem.)

III.—APPOINTMENTS OF PORTS, WHARVES, CUSTOM-HOUSES AND WAREHOUSES.

1. The names and limits of the ports referred to in Schedules A and B of Act XI of 1866* are defined as follows:—

* Repealed by Act XII of 1875, which was repealed by Act X of 1889.

Northern Group of Ports.

1. Gogha.	12. Umarsári.	21. Satpati Creek.
2. Bávliári.†	13. Kolak.	22. Máhim (Kelva).
3. Khun.†	14. Kálai.	23. Kelvay.
4. Tankári.	15. Murroli.	24. Dantivra Creek and River.
5. Degám.	16. Umbargaon.	25 A'rnala and coast to Bassein Fort.
6. Dehej.	17. Gholvad.	
7. Broach.	18. Dáhánu Creek.	
8. Bhagva.	19. Tárápur.	
9. Surat.	20. Alivada Navapur.	
10. Mutvar.		
11. Bulsár.		

Gogha.

The limits of the port of Gogha are as follows:—

To the north.—A line running east from the Sakur Khari.

To the south.—A line running east from the Tower, at south corner of the town wall.

To the east.—A line running north-and-by-west from the Light-house on Pirum Island.

† By Government Notification No. 4162 A, dated 23rd May 1885, the Indian Ports Act, 1875, was withdrawn from the ports of Bávhári and Khun and extended to the port of Dholera within the limits defined in Government Notification No. 4162 of the same date.

On the west.—So much of the shores of the Gulf and of the navigable channel of the Gogha Creek and of the shores thereof, as are within fifty yards of high-water mark at spring tides.

Bavliári.

* * * * * *

Khun.

* * * * * *

Tankari.

The limits of the port of Tankari are as follows :—

To the east.—A line drawn directly across the the Dhadur from a boundary post 600 yards above, and to the eastward of the Tankari Creek.

To the west.—A line drawn directly across the Dhadur from a boundary post 300 yards below, and to the westward of the Tankari Creek, and so much of the Tankari Creek as lies below a line drawn directly across the creek, from a boundary post placed on the bank to the north of the Custom House. These limits include so much of the river Dhádur, and of the north shore thereof, and of the Tankari Creek, and of its shores, as are within 50 yards of high-water mark (spring tides).

The limits of the navigable river and channel leading to the said port of Tankari, made subject to the said Act, are as follows :—

To the east.—The port of Tankari, as above defined.

To the west.—A line drawn from the Light-house near Deo Juggun across the mouth of the Dhádur to the village of Punniadra on the south side of the river.

All parts of the channel of the Dhádur between the said limits and below high-water line at spring tides are subject to the said Act.

Degam.

The limits of the port of Degam are as follows :—

To the north-east.—A line running north-west from a boundary post 300 yards above the Custom House.

To the south-west.—A line running north-west from a boundary post 300 yards below the Custom House.

The limits of the said port include so much of the anchorage in the Gulf of Cambay as lies within 600 yards of the shore, and so much of the east shore thereof as lies within 50 yards of high-water mark, and between the lines drawn from the two boundary-posts above described.

Dehej.

The limits of the port of Dehej are as follows :—

So much of the creek as lies between the boundary posts placed on the bank on each side of the

landing-place, and so much of the shore on the south-east side thereof as is within 50 yards of high-water mark at spring tides; and all parts of the navigable channel of the creek, from the landing place to the bar and below high-water mark (spring tides) are subject to the said Act.

Broach.

The limits of the port of Broach are as follows:—

To the east—A line drawn directly across the Narbada from the temple of Dusha Sumet on the north bank of the river immediately above the city wall.

To the west.—A line drawn directly across the river from Byramshaw Dhunjishaw's Cotton Ginning House.

These limits include so much of the Narbada and of the shores thereof as are within 50 yards of high-water mark (spring tides).

The limits of the navigable river and channels leading to the said port of Broach, made subject to Act* XXII of 1855, are as follows:—

To the east.—The port of Broach, as above described.

To the west.—A line drawn across the mouth of the Narbada, from the village of Lohára on the north bank to the village of Vehode on the south bank.

All parts of the navigable channel of the Narbada, including the Hánsot Channel, between the said limits, are subject to the said Act.

Bhagva.

The limits of the port of Bhagva are as follows:—

So much of the channel of the creek as lies between lines drawn across it, from the boundary posts placed on the bank immediately above and below the bandar at Bhagva, and so much of the shores thereof as are within 50 yards of high-water mark (spring tides), and so much of the creek at Kudiána as lies between the boundary-posts immediately above and below the landing-place and of the shores thereof as are within 50 yards of high-water mark.

The limits of the navigable channel of the creek leading to the said port of Bhagva, made subject to the Act, are as follows:—

To the eastward.—The port of Bhagva, as above described.

To the westward.—A line drawn across the mouth of the creek, from a boundary-post on the north bank to a boundary-post on the south side, and all parts of the navigable channel of the Bhagva Creek between the said limits below high-water mark (spring tides), are subject to the said Act.

Surat.

The limits of the port of Surat are as follows:—

To the north.—A line drawn directly across the Tápti from the boundary-post, immediately above Kimli Bandar, at Ránder.

*Repeal
Act XI
1875, w
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To the south.—A line directly across the river from the town wall, which also forms the south wall of the Adálat compound.

These limits include so much of the river Tápti and of the shores thereof as are within 50 yards of high-water mark at spring tides.

The limit of the navigable river and channel leading to the said port of Surat, made subject to Act* XXII of 1855, are as follows :—

*Repealed by Act XII of 1875, which has been repealed by Act X of 1889.

To the north.—The port of Surat, as above described.

To the south.—A line drawn across the mouth of the Tápti, from the boundary-post, immediately to the south of Vaux's Tomb, to the village of Danti on the south of the Bhimpur Creek.

All parts of the navigable channel of the Tápti below high-water mark (spring tides), and so much of the Bhimpur Creek as lies below and to the westward of a line drawn across the Khári from the boundary-post immediately above Bhimpur, and including the Domus Channel between the said limits, are subject to the said Act.

Matvád.

The limits of the port are as follows :—

To the south—A line drawn directly across the the Matvád Creek from a boundary-post, and 451 yards above it on the east bank of the creek.

To the north.—A line drawn directly across the creek from a boundary-post on the east side.

The limits of the navigable river channels leading to the said port of Matvád, made subject to the Act† XXII of 1855, are as follows :—

†Repealed by Act XII of 1875, which has been repealed by Act X of 1889.

To the south of the port of Matvád, as above described.

To the north.—A line drawn across the mouth of the said creek.

The limits of the south bank of the Purna River are on the east from the village of Jullálpur, and on the west of the mouth of the Purna River, subject to the provisions of Act‡ XXII of 1855.

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These limits include so much of the creek, river and the shores thereof as are within fifty yards of high-water mark (spring tides).

Bulsár.

The limits of the port of Bulsár are as follows :—

To the eastward.—A line drawn across the river Urunga, from the boundary-post above the Custom House.

To the westward.—A line drawn across the river Urunga, from the boundary-post immediately below the village of Bhangra.

These limits include the river Urunga and so much of the shores thereof as are within 50 yards of high-water mark at spring tides.

The limits of the navigable river and channel leading to the said port of Bulsár, made subject to the said Act, are :—

To the eastward.—The port of Bulsár, as above described.

To the west.—The bar at the mouth of the river.

All parts of the channel of the Urunga between the said limits and below high-water mark at spring tides, are subject to the said Act.

Umarsári.

The limits of the port of Umarsári are as follows :—

So much of the channel of the Par River as lies between the boundary-post placed immediately above the bandar at Pocha and the bar, at its confluence with the sea, and so much of the shore of the said river within 50 yards of high-water mark (spring tides) as lies between the boundary-posts at the bandar of Warli, Pocha, and Umarsári. The channel of the Dongri Creek, and so much of the shore thereof within 50 yards of high-water mark, as lies between the two boundary-posts which mark the bandar of Dongri, are likewise subject to the Act.

Kolak.

The limits of the port of Kolak are as follows:—

So much of the channel of the river Kolak as lies between a line drawn across the river, from the boundary-post placed immediately above the landing place and the bar, at its confluence with the sea, and so much of the north bank of the river within the above limits as lies within 50 yards of high-water mark (spring tides).

Kálai.

From north bank to south bank of entrance of river, extending eastwards as far as the river is navigable, including the shores on both sides thereof within 50 yards of high-water mark (spring tides).

Maroli.

The anchorage in the offing.

Umbargaon.

From north bank to south bank of entrance of river, extending eastwards as far as the river is navigable, including the shores on both sides thereof within 50 yards of high-water mark (spring tides).

Gholvad.

Commencing from Khutkhári on the north to Mugger Devi on the south, the anchorage ground lies due east, as far as the river is navigable, including the shores on both sides thereof within 50 yards of high-water mark (spring tides).

Dáhánu Creek.

From north bank to south bank of entrance of river, extending eastward as far as the river is navigable, including the shores on both sides

there within 50 yards of high-water mark (spring tides).

Tárápur.

From north bank to south bank of entrance of river, extending eastwards as far as the river is navigable, including the shores on both sides thereof within 50 yards of high-water mark (spring tides).

Ahivada Návápur.

Commencing from the north bank from the mouth of the river to south bank of entrance of the same, the anchorage ground extending eastwards as far as the river is navigable, including the shores on both sides thereof within 50 yards of high-water mark (spring tides).

Sátpáti Creek.

From the north to south entrance of the creek, extending eastwards as far as the creek is navigable.

Máhim Kelva.

From north to south bank of entrance of river, extending eastwards as far as the river is navigable, including the shores on both sides thereof within 50 yards of high-water mark (spring tides).

Kelva.

From north bank to south bank of entrance of river, extending eastwards as far as the river is navigable, including the shores on both sides thereof within 50 yards of high-water mark (spring tides).

Dántivra Creek and River.

From Dántivra on the north to Arnalla on the south and eastward as far as the river is navigable, including the shores on both sides thereof within 50 yards of high-water mark (spring tides).

Arnalla and Coast to Bassein Fort.

From the mouth of the Dántivra River on the north to the mouth of Bassein River on the south, and the anchorage ground around the Arnalla Fort, including Rangaum Khári, and the shores on both sides thereof within 50 yards of high-water mark (spring tides).

*Southern Group of Ports.**

1. Bandora.
2. Vesáva.
3. Manori.
4. Utan.
5. Bassein Creek and River east of Bassein Fort.
6. Bhiwndi Creek and River.
7. Kalyán Creek and River.
8. Thána Creek and River.
9. Trombay.
10. Panvel Creek and River.
11. Karanja.
12. Revas.
13. Nágothna Creek and River.
14. Thal.
15. Alibág.
16. Revdanda.
17. Thal Khári.
18. Bánkot Creek and River.
19. Kelsi.
20. Harnai.
21. Anjanvel Creek and River.
22. Borya.
23. Jaygad Creek and River.
24. Ratnágiri.
25. Purungad.
26. Yeshwantgad Creek and River.
27. Viziadrug Creek and River.
28. Devgad.
29. A'chra.

* Ports 17 and 26 included in this list are not included in the Southern group of ports in Schedule I, Act X of 1889; and ports Mandad, Varavda and Jaytápur included in the latter do not appear in the former.

30. Málvan.
31. Nivti.
32. Vengurla.
33. Redi
34. Terekhol Creek and River.
35. Kárwár including Bhatkal.
36. Chendia.
37. Ankola.
38. Gangávali.
39. Tadri.
40. Kumta.
41. Honávar.
42. Shirali.
43. Murdeshwar.
44. Bhatkal.

Bandora.

From the extreme point of Senhora DeMonte on the north, to Warli Fort point on the south, including the whole of the bay within 50 yards of high-water mark (spring tides).

Vesáva.

From the Fort of Mhar on the north, to Bhainderwarra on the south, including the shores on both sides thereof, within 50 yards of high-water mark (spring tides), and from the mouth of the creek, west to east, up to Ratowdi Creek as far as the same is navigable, including the shores on both sides thereof, within 50 yards of high-water mark (spring tides); also the anchorage in the offing of Mhar.

Manori.

Anchorage around the village, including the shores on both sides thereof, within 50 yards of high-water mark (spring sides), and from the mouth of the creek, west to east, up to Murwa Creek as far as the same is navigable, including the shores on both sides thereof within 50 yards of high-water mark (spring tides), also the anchorage in the offing of Gorai, inclusive of Kutowni Creek, situated south of the former named village.

Utan.

The anchorage in the offing, Bassein Creek and River east of Bassein Fort.

Commencing from the north-west at the mouth of the river to south as far as Dhárávi Fort, and eastward as far as Sussunowghur and as far as the river is navigable, including the shores on both sides thereof, within 50 yards of high-water mark (spring tides).

Bhiwndi Creek and River.

From Kevni Dirogaum on the south to Bhiwndi on the north-east as far as the river is navigable, including the shores on both sides thereof, within 50 yards of high-water mark (spring tides).

Kalyán Creek and River.

From Atmughur on the south to Kalyán on the north, and as far as the river is navigable, including the shores on both sides thereof, within 50 yards of high-water mark (spring tides).

Thána Creek and River.

From Atmughur on the north passing Thána on the east, to Trombay on the south, taking in Chendani Bandar, and the shores on both sides of the stream within 50 yards of high-water mark (spring tides), including the two creeks branching off from this river, one leading to Bhandup, and the other to Hareali and Vickruli.

Trombay.

Commencing from Ghatkhári on the north, to the north-east until reaching Trombay at the point where joining with the limits of Bombay Harbour and re-commencing at the north-western point of Trombay Island up the Máhul Creek as far as navigable, including the shores on both sides thereof, within 50 yards of high-water mark (spring tides.)

Panvel Creek and River.

From the entrance of the Panvel River on the north to Khairna Bandar, and thence eastwards to Panvel Bandar, including the shores on both sides of the river, within 50 yards of high-water mark (spring tides).

Karanja.

The whole of the anchorage ground around the island, with the exception of Goray, Papudkhárkhund, Mussory, Danda, Dewgode and Pirivady, on the western side of Dronegery hill, and Moray, opposite to the harbour of Bombay, tending in a north and north-easterly direction, to Chainair Khári, Sái Aptey Khári, and Guvan, including the shores on both sides; thence eastward to the Antora Creek, including the shore on both sides, and the eastern shore of Hog Island Tank.

Revas.

From the eastern shore of Nocar Point, and thence to Revas Khári, including the shores on both sides thereof within 50 yards of high-water mark (spring tides).

Nágothna Creek and River.

From Karanja Bandar, along the whole extent of the river to Nágothna, including the shores on both sides within 50 yards of high-water mark (spring tides).

Thal.

Anchorage ground in the offing.

Alibág.

From south-west point of the fort in a straight line to the shore, and from thence east and south-east of Theronda, including the shores on both sides within 50 yards of high-water mark (spring tides).

Revdanda.

From the entrance of the river on the north side at Revdanda to south side at Curla Fort, and thence eastwards to Roha Ushtanne, including the north shore of the river within 50 yards of high-water mark (spring tides).

Thal Khári.

Anchorage ground opposite the bandar.

Bankot Creek and River.

From north to south entrance of river, and eastwards as far as Mahár, including the south shore of river within 50 yards of high-water mark (spring tides).

Kelsi.

From north to south entrance of river, and eastwards half a mile up the river, including the shores on both sides within 50 yards of high-water mark (spring tides).

Harnai.

From the south point of old fort promontory, including the shore in a direct line, to the village of Harnai.

Anjanvel Creek and River.

From north to south entrance of the river and eastward as far as Khair and Chiplone, including the shores on both sides within 50 yards of high-water mark (spring tides).

Borya.

From north entrance of the Jaygad River, in a direct line eastwards, to the village of Borya, and the anchorage in the offing.

Jaygad Creek and River.

From the village of Borya on the north side of the river to south headland, at entrance thereof, and eastward to Sangameshvar, including the shores on both sides thereof within 50 yards of high-water mark (spring tides).

Ratnágiri.

The anchorage in the offing, including Meria on the north and Rajura Creek on the south.

Purungad.

From north to south entrance of river, including one mile eastward up the river, as also the shores on both sides thereof within 50 yards of high-water mark (spring tides).

Yeshwantgad Creek and River.

From north headland to south, including one mile at entrance of river, and eastwards as far as the town of Rájápur, including the shores on both sides within 50 yards of high-water mark (spring tides).

Viziadurg Creek and River.

From north headland to south, including one mile at entrance of the river, and eastwards as far as Khárepatan, including the shores on both sides thereof within 50 yards of high-water mark (spring tides).

Devgad.

From north to south entrance of river to the bandar, including one mile eastward of the river and the shores on both sides thereof, within 50 yards of high-water mark (spring tides).

A'chra.

From north to south entrance of river to the bandar, including the shores on both sides thereof within 50 yards of high-water mark (spring tides).

Málvan.

From north headland opposite the fort, in a straight line south by south-east to opposite shore, extending one mile.

Nivti.

The anchorage in the offing.

Vengurla.

From north headland to south by south-east in a direct line one and a half mile.

Redi.

From north to south entrance of the river, extending eastward as far as it is navigable, including the shores on both sides within 50 yards of high-water mark (spring tides).

Terekhol Creek and River

The entrance of the river on the north side, from the western boundary of the Arownda village, extending to the eastward, as far as Bunda, including the north shore of the river within 50 yards of high-water mark (spring tides).

Kárwár, including Bhatkal.

From the mouth of the Kallanadi to Kárwár head, including all that portion of the bay inside the islands of Curmoghur, Deoghur and the Oyster Rocks, and from north to south bank to the entrance of the Kallanadi, extending east and north-east as far as the river is navigable.

Chendia.

From north bank to south bank of Chendia River, extending eastwards as far as the said river is navigable, and the anchorage in the offing.

Ankola.

From north bank to south bank of entrance of Ankola River, extending eastwards as far as the said river is navigable, and the anchorage in the offing.

Gangávali.

From north bank to south bank of entrance of Gangávali River, extending eastwards as far as the said river is navigable, and the anchorage in the offing.

Tadri.

From north bank to south bank of entrance of Tadri River, extending eastwards as far as the said river is navigable, and the anchorage in the offing.

Kumta.

From north bank to south bank of entrance of Kumta River, extending eastwards as far as the said river is navigable, and the anchorage in the offing.

Honávar.

From north bank to south bank of entrance of Hónávar River, extending eastwards as far as the said river is navigable, and the anchorage in the offing.

Shirálí.

From north bank to south bank of entrance of Shirálí River, extending eastwards as far as the said river is navigable, and the anchorage in the offing.

Murdeshvar.

The anchorage ground to south of the Murdeshvar hill and temple.

Bhatkal.

From north bank to south bank of entrance to Bhatkal River, extending eastwards as far as the said river is navigable, and the anchorage in the offing.

Port Rules.

The following port rules, applicable to northern and southern group of ports, have been made, and are hereby promulgated for general information and guidance :—

1. All vessels entering any of the ports aforesaid, shall be anchored when and where required by the Harbour Master or other authorized officer appointed by the Commissioner of Customs.

2. The masters of all vessels shall rig in the jib and driver booms when required to do so by the Harbour Master or other authorized officer appointed by the Commissioner of Customs.

3. Every anchor or spar or other substance projecting from the sides of the vessel shall be removed when required by the Harbour Master or other authorized officer.

4. The master of every vessel is to be strictly enjoined against allowing any warp or hawser to remain attached to his vessel after sunset, so as to endanger the safety of any boat or vessel navigating in any of the ports aforesaid.

5. No fishing nets or stakes will be permitted in the limits of any of the ports aforesaid which may impede the navigation thereof, or endanger the safety of vessels and boats navigating in the said ports.

6. A free passage shall be kept to piers, jetties, landing places, wharves, quays and moorings; and all vessels shall be bound to move when required to clear such channels or passages.

7. No master or owner of a vessel shall grave, bream or smoke such vessel without giving notice thereof to the Harbour Master, or other authorized officer appointed by the Commissioner of Customs.

8. No vessel shall boil any pitch or dammer on board. The provisions of Section XL of Act

Repealed by XII of 76.

XXII* of 1855 are especially made applicable to all the ports aforesaid.

(G. N. published at pages 423-429 of the *B.G.G.*, Part I, of 14th November 1867, and G. N. dated 22nd January 1868, and 26th August 1870.)

2. In exercise of the powers conferred by Section 11 of the Sea Customs Act, 1878, and in supersession of so much of the Notification issued under Section 57 of Act I of 1852 and published at page 218 of the *Bombay Government Gazette* for 1858 as relates to the ports of Bávliári and Khún, the Governor in Council in pleased:

(*a*) to direct that the port within the limits hereinbelow described be hereafter called the port of Dholera;

(*b*) to declare that the said port shall be a port for the shipping and landing of goods;

(*c*) to declare that the said port comprises within its limits the western coast line of the Gulf of Cambay and all navigable channels leading into it between—

on the north, the north bank of the navigable channel of the Khún Creek; and

on the south, the south bank of the navigable channel of the Bávliári Creek;

(*d*) to direct that the new bandar at the Chil Khári be hereafter called the Whittle-Bandar;

(*e*) to appoint the said Whittle Bandar to be a wharf for the landing and shipping of goods of all kinds which may lawfully be landed and shipped at the said port of Dholera;

(*f*) to declare that the said bandar comprises the western bank of the Chil Khári for a distance of two hundred yards on each side of the road leading from Dholera to the said bandar;

(*g*) to appoint the existing Khún Bandar to be a wharf for the landing and shipping of goods of all such kinds as aforesaid until the close of the current season only;

(*h*) to declare that the limits of the said Khún Bandar shall be the same as have heretofore been recognized as the limits thereof.

(G. N. No. 4162, dated 23rd May 1888.)

3. In exercise of the powers conferred by Section 11 (*a*) of the Sea Customs Act, 1878, the Governor in Council is pleased to declare the following places in the Presidency of Bombay to be ports for the shipment and landing of goods, namely:—

BOMBAY.

CHIEF PORT—Bombay.
Áchra.
Agáshi.
Alibág.
Alibág Táluka.
Alibág.
Kím.
Mándva
Revdanda.
Revas.
Thal.
Anjanvel.
Anjanvel Táluka.
Anjanvel.
Borya.
Anjarla.
Ankola.

Ankola Táluka.
Ankola.
Belikeri.
Gangávali.
Tadri.
Antora.
Bándora.
Bánkot.
Bassein.
Bassein Táluka.
Agáshi.
Bassein.
Kolibandar.
Naughar.
Bavliari.
Beláp ur.
Belikeri
Bhagva.
Bhándup.
Bhatkal.
Bhátta.
Bhiwndi.
Bingi.
Borya.
Broach.
Broach Táluka.
Broach.
Hánsot.
Bulsár.
Bulsár Táluka.
Bulsár.
Dungri.
Gudarda.
Hariya.
Kolak.
Kusumba.
Pocha.
Umarsári.
Warli.
Chendia.
Chikhli.
Chiplun.
Chirner.
Dáhánu.
Dántivra.
Degám.
Dehej.
Devgad.
Dholera.
Dholera Táluka.
Bávliári.
Dholera.
Khún.
Dumas.
Dungri.
Edvan.
Gangávali.
Gaviyar.
Gholvad.
Ghodbandar.
Ghodbandar Táluka.
Bándra.
Ghodbandar.
Manori.
Rái.
Utan.
Vesáva.
Gogha.
Gogha Táluka.
Gogha.
Gudarda.
Hánsot.
Hariya.
Harnai.
Honávar.
Honávar Táluka.
Bhatkal.
Kumta.
Honavar.
Mánki.
Murdeshvar.
Shiráli.
Jaygad.
Jaitápur.
Jambusar Táluka.
Degám.
Dehej.
Kávi.
Tankári.
Jhaigauda.
Kálai.
Kalyán.
Kantyajal.
Karadi.
Karanja.
Kárwár.
Kárwár Táluka.
Bingi.
Chendia.
Kárwár.
Sadáshivgad.
Kasheli.
Kávi.
Kelsi.
Kelva.
Khairna.
Khed.
Khún.
Kím.
Kimpáni.
Kolak.
Kolibandar.
Koramthana.
Kudiána.
Kumta.
Kusumba.
Magdala.
Málhul.
Máhim.
Málvan.
Málvan Táluka
Achra.
Devgad.
Málvan.
Mándva.
Mánki.
Manori.
Maroli.
Mátunga Táluka.
Mafvád.
Mora.
Murdeshvar.
Murva.
Nágothna.
Naughar.
Navápur.
Nivti.
Panvel.
Panvel Táluka.
Beláp ur.
Chirner.
Khairna.

Panvel.
Phakland.
Phakland.
Pocha.
Purangad.
Rájápur.
Rájivda.
Rájpuri Táluka.
Tálkhári.
Ránder.
Ratnágiri.
Ratnágiri Táluka.
Jaygad.
Purangad.
Rájivda.
Ratnágiri.
Varavda.
Rái.
Redi.
Revdanda.
Revas.
Sadáshivgad.
Sákse Táluka.
Antora.
Nágothna.
Sangameshvar
Sanján.
Sátpáti.
Savata.
Sheva.
Shiráli.
Surat.
Surat Táluka.
Bhava.
Bhátta.
Dumas.
Gavivar.
Kantyajal.
Karádi.
Kudyána.
Magdala.
Matvád.
Ránder.
Surat.
Tena.
Suvarndurg Táluka.
Ánjarla.
Bánkot.
Harnai.
Kelsi.
Tadri
Tálkhádi.
Tankári.
Thána.
Tárápur.
Tárápur Táluka.
Dáhánu.
Dántivra.
Edvan.
Kelva.
Koramthana.
Máhim
Murva.
Navápur.
Sátpáti.
Savata.
Tárápur.
Usarni.
Vadrai.
Tena.
Thal.
Tonka Phansa.
Trombay.
Trombay Táluka.
Bhándup.
Bhiwndi.
Kalyán.
Kasheli.
Máhul.
Thána.
Trombay.
Umarsári.
Umbargaon.
Umbargaon Táluka.
Bordi.
Chickhla.
Gholvad.
Jhaigowada.
Kálai.
Maroli.
Sanján.
Tonka Phansa.
Umbargaon.
Uran Táluka.
Karanja.
Mora.
Sheva.
Usarni.
Utan.
Varavda.
Vesáva.
Vengurla.
Vengurla Táluka.
Nivti.
Redi.
Vengurla.
Viziádurg.
Viziádurg or Yeshwantgad.
Táluka
Jaitápur.
Viziádurg
Vádi Táluka.
Kirnapáni.
Vadrai.
Warli.
Yeshwantgad or Viziádurg.
Táluka.
Jaitápur.
Viziádurg.

SIND.

CHIEF PORT—Karáchi.
Keti Bandar.
Sirganda.
*Khund.
*Siran.
*Bram Haidri.
*Reri.
*Ghizri Bandar.

(G. N. No. 4437 C, dated 25th May 1892, No. 2098, dated 20th March 1893, and No. 9296 A, dated 23rd November 1895.)

* *Note.*—Declared under Section 12 to be ports for the carrying on of coasting trade with Customs Ports within the Province of Sind and for no other purpose. (G. N. No. 9296A, dated 23rd November 1895, and No. 6315C, dated 25th August 1897.)

4. In exercise of the powers conferred by Section 11 (*b*) of the Sea Customs Act, VIII of 1878, His Excellency the Governor in Council is pleased to declare the following to be the limits of the port of Karáchi, namely :

To the North—A line drawn from a point on the ridge dividing the Harbour backwater from the Arabian Sea, (9) nine miles N. W. from Manora Point along the high-water mark ordinary spring tides to boundary pillar No. 44 at the head of Soti Creek, and thence along a line demarcated at the angles by masonry pillars numbered 43 around Khudda village to 32 on the Harris Road, and from thence along the western edge of Harris Road to the north-east corner of the Native Jetty where it crosses the Bandar Road to the Queen's Road at the N. E. end of the Railway bridge and on to boundary pillar No. 2. From boundary pillar No. 2 round Scandal Point and Bath Island up to boundary pillar No. 24 on the western edge of the Clifton Road.

To the East—A line drawn from boundary pillar No. 24 on Clifton Road last above mentioned to boundary pillar No. 26 north of Clifton and from thence to the shore end of Clifton Pier and thence along the high-water line on the beach to a point $3\frac{3}{4}$ miles S. E. of Clifton.

To the South—A line drawn from that point last above mentioned on Clifton beach running in a S. W. by W. $\frac{1}{4}$ W. direction to a point four miles S. by E. $\frac{1}{4}$ E. from Manora breakwater, and from thence along a line running in a N. W. $\frac{3}{4}$ W. direction to a point two miles out at sea S.W. $\frac{1}{2}$ S. from the point first mentioned on the ridge dividing the Harbour backwater from the Arabian Sea.

To the West—A line drawn from the point last above mentioned running in a N.E. $\frac{1}{2}$ N. direction, to the starting point on the ridge above mentioned nine miles from Manora Point.

(G. N. No. 6315, dated 25th August 1897.)

5. His Excellency the Right Honourable the Governor in Council is pleased, in continuation of Notification† No. 5725A * * * , dated 27th October 1879, to define the limits of the following ports or places and wharf :—

† Published in the *B. G. G.*, Part I, dated 6th November 1879, pages 866 and 867.

* * * * *

* * * * *

Khund.—Marked out by four posts, and bounded on the north by the Kalur and Mootney Channel; south by the village of Kund; east by the open sea ; and west by Babula's Gote.

(G. N. No. 2355, dated 4th May 1880.)

6. His Excellency the Governor in Council is pleased in continuation of Notification No. 5725A * * * , dated 27th October 1879, to define the limits of the following places * * * :—

Bram Haidri.—Situated on the north shore of the Kurungi Creek. Bounded on the north by a low range of hills lining the shore east to west, south by the Kurungi Creek, east by a line drawn from the Lunwarro Dhoro to the Kurungi Creek, and west by a low range of hills running north to south.

Reri.—Situated on the north shore of the Kurungi Creek. Bounded on the north by a low range of hills lining the shore east to west, south by the Kurungi Creek, east by the Kurungi Creek, a low range of hills and mangrove bushes, and west by the Kurungi Creek, a low range of hills, mangrove bushes and the village of Wagodur.

(G. N. No. 3782, dated 21st July 1880.)

7. His Excellency the Governor in Council is pleased, in continuation of Notification No. 5725 A. * * * , dated 27th October 1879, to define the limits of the following port * * *:—

Siran.—Bounded on the east by the Sisha Channel, Mukan Mirwa; on the south by tappa Mirwa, táluka Ghorabári; on the west by a tract of waste land in the Sákro Táluka four miles from the sea; and on the north by Mukan Milka Goath Sumra Himati.

(G. N. No. 6634, dated 15th December 1880).

8. In exercise of the powers conferred by Section 11 (*c*) and (*d*) of the Sea Customs Act, VIII, of 1878, and in supersession of Notifications marginally noted, His Excellency the Governor in Council is pleased to declare and appoint the places specified in the first column of the table hereinbelow contained, to be wharves in the port of Karáchi for the landing only of such particular classes of goods as are in respect of such wharves specified in the second column of the said table, and for the shipping only of such particular classes of goods as are specified in the third column of the said table in respect of the said wharves, and to fix the limits of the said wharves as shown in the fourth column of the said table :—

No. of Notification.	Date of Notification.	Published at page of *Bombay Government Gazette*.		And of *Sind Official Gazette*.	
5765	28th October 1879 ...	854	30th October 1879 ..	371	8th November 1879.
2660	7th April 1886 ...	336	8th April 1886 ...	423	15th April 1886.
1150	22nd February 1887 ..	164	24th February 1887 ...	208	17th March 1887.
306	16th January 1888 ...	39	19th January 1888 ...	79	26th January 1888.
7383	14th November 1888..	958	15th November 1888..	519	22nd November 1888.
1780	5th March 1889 ..	187	7th March 1889 ...	265	14th March 1889.
3017	24th April 1889 ..	405	25th April 1889 ..	460	2nd May 1889.
3571	16th May 1889 ...	450	16th May 1889 ..	512	23rd May 1889.
7382	1st October 1889 ..	839—840	3rd October 1889	807	10th October 1889.
3465	10th May 1890 .	479—480	22nd May 1890 ...	505	29th May 1890.
7659	9th November 1891 ...	913	12th November 1891...	578	19th November 1891.
3934	9th June 1891	468—469	11th June 1891 ...	620	18th June 1891.
4437*C*	25th May 1892	466	26th May 1892 ...	584	2nd June 1892.
4946	13th June 1892 ...	523	16th June 1892 ..	673	23rd June 1892.
5430	2nd July 1892	600	7th July 1892	29	14th July 1892.
4765	25th June 1895 ...	726	27th June 1895 .	6	4th July 1895.
9296—9298 *B*	23rd November 1895 ..	1208	29th November 1895...	640	5th December 1895.

Names of Wharves or Landing-places.	For the landing of	And for the shipping of	Limits.
1	2	3	4
(1) James Wharf ...	General merchandise except gunpowder and explosives.	General merchandise except gunpowder and explosives.	Bounded on the north by the Harbour and North-Western Railway embankment; on the south by the Erskine Wharf; on the east by the Export Yard and Napier Mole; on the west by the Harbour.
(2) Erskine Wharf ...	General merchandise except gunpowder and explosives.	General merchandise except gunpowder and explosives.	Bounded on the north by James Wharf; on the south by the Passenger Pier; on the east by Wharf yard and sheds; on the west by the Harbour.

Names of Wharves or Landing-places.	For the landing of	And for the shipping of	Limits.
1	2	3	4
(3) Passenger Pier ...	Passengers' luggage, small parcels and packages, horses and ships' stores.	Passengers' luggage, small parcels and packages, horses and ships' stores.	Bounded on the north by the Erskine Wharf; on the south by the Commissariat Pier; on the east by reclaimed ground now forming the Railway (P. T.) yard dividing it from the public road; and on the west by the Harbour.
(4) Commissariat Pier,	Government stores except gunpowder and explosives.	Government stores except gunpowder and explosives.	Bounded on the north by the Passenger Pier; on the south by the Harbour and Merewether Pier; on the east by Port Trust yard; on the west by the Harbour.
(5) Merewether Pier ...	General merchandise except gunpowder and explosives, not belonging to Government, and conveyed in vessels the property of or hired by Government.	General merchandise except gunpowder and explosives, not belonging to Government, and conveyed in vessels the property of or hired by Government.	Bounded on the north by the Harbour and Commissariat Pier; on the south by Harbour jetties and Railway wharf; on the east by the North-Western Railway yard; on the west by the Harbour.
(6) Water jetties between Merewether Pier and Railway Pier.	Port Trust departmental stores.	Port Trust Departmental stores.	Bounded on the north by the Merewether Pier; on the south by the North-Western Railway Pier and Wharf; on the east by the Merewether Pier yard; and on the west by the Harbour.
(7) Railway Pier and Wharf.	General merchandise and Railway stores.	General merchandise and Railway stores.	Bounded on the north by water jetties and Merewether Pier; on the south by the Harbour and Petroleum Pier; on the east by the North-Western Railway godowns and yard; on the west by the Harbour.
(8) South end of ditto.	Gunpowder and explosives.	Gunpowder and explosives.	Do. do.
(9) Petroleum Pier ...	Petroleum	Petroleum	Bounded on the north by the Harbour and Railway Wharf; on the south by the Harbour and Keamari Groyne; on the east by the North-Western Railway Back-shunt and Petroleum godowns; and on the west by the Harbour.
(10) Napier Mole Boat Wharf.	General merchandise except gunpowder and explosives.	General merchandise except gunpowder and explosives.	Bounded on the north by the Harbour; on the south by the reclaimed ground; on the east by the Napier Mole Bridge; and on the west by the Harbour.
(11) West end of ditto.	Government ammunition.	Government ammunition.	Do. do.
(12) Native Jetty ...	General merchandise except gunpowder and explosives.	General merchandise except gunpowder and explosives.	Bounded on the north by the Harbour and Lyari Hard embankment; on the south by the Harbour; on the east by the public road from Karáchi to Keamari; and on the west by the Harbour.
(13) Lyari Hard ...	Timber, firewood, grass and fresh fish.	.....	Bounded on the north by the Harbour public road and Mulji Jetha's Cotton Press; on the south by the Harbour and Native Jetty; on the east by the public road, Customs House and Mulji Jetha's Cotton Press; and on the west by mangrove bushes.
(14) Khudda Bandar...	Firewood	.....	Bounded on the north and south by a mangrove swamp; on the east by the village of Khudda; and on the west by Fish Boat channel.
(15) Stone Bandar ...	.....	Stone	Bounded on the north by Moach plain; on the south skirted by high-water mark and Soti Creek; on the east by a swamp of mangrove bushes and Khudda; and on the west by an open space and Moach salt-works.

Names of Wharves or Landing-places.	For the landing of	And for the shipping of	Limits.
1	2	3	4
(16) Shamspir ...	Salt and salted fish ...	Salt and salted fish ...	Bounded on the north by the Harbour channel and the Moach plain and salt-works; on the south by the Harbour and channel leading to the salt-works; on the east by the Harbour; and on the west by the Harbour and channel leading to the Moach salt-works.
(17) Baba Island ...	Coal and timber ...	Coal and timber ...	Bounded on the north by the mouth of Baba channel; on the south by the mouth of the Yariri Creek; on the east by the Harbour; and on the west by the mangrove swamp of the west backwater.
(18) Manora Beach ...	Coal	Coal	Bounded on the north by the mouth of the Yariri Creek; on the south by the Harbour Works premises; on the east by the Harbour; and on the west by the mangrove swamp of the west backwater.
(19) Explosives Pier and Magazines.	Baggage of passengers from quarantine, and explosives.	Baggage of passengers from quarantine, and explosives.	Bounded on the north and south by the Harbour and sand ridge; on the east by the Harbour; and on the west by a sand ridge and west backwater.
(20) Tipping Pier ...	Port Trust materials and stores except gunpowder and explosives.	Port Trust materials and stores except gunpowder and explosives.	Bounded on the north, south and east by the Harbour; on the west by Harbour Works, Khalási Line.
(21) Harbour Works Pier.	Port Trust materials and stores except gunpowder and explosives.	Port Trust materials and stores except gunpowder and explosives.	Bounded on the north and east by the Harbour; on the south by the Harbour Works Workshop and Dockyard; and on the west by the Harbour Works Yard.
(22) Telegraph Pier ...	Government stores of the Telegraph Department, except gunpowder and explosives.	Government stores of the Telegraph Department, except gunpowder and explosives.	Bounded on the north and east by the Harbour; and on the south and west by the Indo-European Telegraph premises.
(23) Telegraph Coal Pier.	Coal of the Government Telegraph Department.	Coal of the Government Telegraph Department.	Bounded on the north and east by the Harbour; on the south and west by the Indo European Telegraph premises.
(24) Passenger Pier (Manora).	Port Department coal and passengers' baggage.	Port Department coal and passengers' baggage.	Bounded on the north by the Harbour; on the south by the Port Trust Department store-yard; on the east by the Harbour; and the west by the Port Department store yard.
(25) Crane Wharf ...	Port Trust departmental stores and passengers' baggage, except gunpowder and explosives.	Port Trust departmental stores and passengers' baggage, except gunpowder and explosives.	Bounded on the north by the Port Department Passenger Pier; on the south by the Pilot Pier; on the east by the Harbour; and the west by the Port Department store-yard.
(26) Pilot Pier ...	Passengers' luggage and stores necessary for the residents of Manora.	Passengers' luggage and stores necessary for the residents of Manora.	Bounded on the north and east by the Harbour; on the south by the Harbour and Port Department boat yard; and on the west by the mooring yard of the Port Department.
(27) Water Pier at Manora.	Explosives and water for the use of the Port Department and Harbour Defences.	Explosives and water for the use of Port Department and Harbour Defences.	Bounded on the north and east by the Harbour; on the south by the tram lines and water tanks; and on the west by the Harbour and Port Department boat yard.
(28) Military Pier ...	Military stores ...	Military stores ...	Bounded on the north and east by the Harbour; on the south by the Humby Pier; and on the west by Tramway and Port Department ground.
(29) Humby Pier ...	Passengers' luggage and stores for residents at Manora.	Passengers' luggage and stores for residents at Manora.	Bounded on the north by the Harbour and Military Pier; on the east by the Harbour; on the south by the Harbour and quarters of the Submarine Mining establishment; and on the west by Tramway and military land.
(30) Sub-Mining Pier	Military stores. ..	Military Stores ...	Bounded on the north, south and east by the Harbour; and on the west by the Manora face, Tramway and Torpedo buildings.

(G. N. No. 6315-A, dated 25th August 1897).

Under the provisions of Section* 10 of the Consolidated Customs Act, VI of 1863, His Excellency the Governor in Council is pleased to declare the Kárwár Pier and Landing Wharf to be the only authorized public place for the landing and shipment of goods at that port. (G. N. dated 31st January 1866 ; *vide* G. R. No. 391 of the same date.)

*Cf. Section 11 of Act VII of 1878.

9. In exercise of the power vested in him by Section 11 of the Sea Customs Act, VIII of 1878, His Excellency the Governor in Council is pleased to declare the Prince's Dock to be an authorized place for the landing and shipment of all classes of goods from the 1st January 1880.

His Excellency in Council is further pleased to declare the Prince's Dock to be a Branch Custom House for the entry and clearance of native craft from and to Customs ports only.

On and after the same date, the Masjid Bandar will be an authorized place for the landing and shipment of free goods by native craft from and to Customs ports only, and the Carnac and Nicol Basins for goods by square-rigged vessels from and to Customs or foreign ports and by native craft from or to foreign ports only. (G. Ns. Nos. 6929, dated 26th December 1879, and 95, dated 7th January 1880.)

10. In exercise of the power conferred by Section 11, clause (*c*), of the Sea Customs Act, No. VIII of 1878, and in supersession of so much of Government notification,† dated 11th January 1853, as relates to Chendni, a port subordinate to the port of Thána in the Thána Zilla, His Excellency the Governor in Council is pleased to appoint the newly built wharf at the said subordinate port of Chendni to be a wharf for the landing of salt only. No goods of any other description shall be landed or shipped at the wharf aforesaid. (G. N. No. 7920, dated 19th November 1887.)

†Published in the supplement to the *B. G. G.*, dated 20th January 1853.

11. In exercise of the power conferred by Section 11 (*c*) of the Sea Customs Act, 1878, the Governor in Council is pleased to appoint the following places to be wharves for the landing of salt, *viz.* :—

Name of place.	Name of port within the limits of which situated.
Khed	Anjanvel.
Chiplún	
Govalkot	
Sangameshvar ...	Jaygad.
Rájápur	Yashvantgad.
Goval	
Kharepátan ...	Viziadurg.
Vághotan ...	

(G. N. No. 6540, dated 16th September 1890.)

12. Under the provisions of Section 11, clause (*c*), of the Sea Customs Act, VIII of 1878, it is hereby notified that instead of the Frere Land and Pier Company's Bandar the Esmail Habib Bandar in the port of Bombay is appointed to be a wharf for the

landing and shipment of dangerous petroleum. (G. N. No. 5942, dated 17th August 1893.)

13. Under the provisions of Section 11, clause (*c*), of the Sea Customs Act, VIII of 1878, it is hereby notified that the Tank Bandar Reclamation in the port of Bombay is appointed to be a wharf for the landing and shipment of the following articles, and declared to be a landing place with effect from the date hereof :—

Timber and rafters of all kinds, bamboos and bamboo blinds, coal and coke, firewood, fresh vegetables and fresh fruit and green grass.

(G. N. No. 7597, dated 18th October 1893.)

14. In supersession of Government Notifications Nos. 3047,* dated 18th April 1883, and 3800,† dated 14th May 1884, and under Section 11, clause (*d*), of the Sea Customs Act, His Excellency the Governor in Council is pleased to declare the following to be limits of the Warli Bandar :—

*Published at page 297 of the *B. G. G.*, Part I, dated 19th April 1883.

†Published at page 362 of the *B. G. G.*, Part I, dated 15th May 1884.

The foreshore at Warli from a point marked by a post about 20 feet east of the house numbered by the Collector of Bombay No. 18, southwards to a point marked by a post about 340 feet from the Warli Road in a north-westerly direction therefrom.

(G. N. No. 3072 A, dated 5th May 1891.)

15. Under the provisions of Section 11, clauses (*d*) and (*e*), of the Sea Customs Act, it is hereby notified, in modification of Government Notifications Nos. 2753 and 7408 of 17th May and 7th December 1881, respectively, that the whole of the foreshore including the bandars, Moody Bandar New Wharf, Bori Bandar and Moody Bay, shall be termed the Moody Bay Reclamation and divided into—

North Wharf,—to include the foreshore lying between the south side of Moody Bandar and the north of Bori Bandar.

Bori Bandar,—to include the foreshore at present known by that name, lying between the southern limit of the north wharf and northern limit of the south wharf.

South Wharf,—to include the foreshore between the southern limit of Bori Bandar and the north boundary wall of the Mint.

(G. N. No. 8326, dated 22nd October 1884.)

16. The building known as the Town Custom House in Marine Street is hereby declared a Custom House for the purposes of the Sea Customs Act, VIII of 1878.

Its limits are : west, Marine Street ; north, the Export Gate Road ; east, the Export Gate Road and land belonging to the Port Trust, the Centre Gate Road open space belonging to the Port Trust, the Import Gate Road ; south, the Import Gate Road.

(G. N. No. 4437-B.‡, dated 25th May 1892).

‡ Other portions of this Notification have been superseded by Government Notifications Nos. 6969, dated 10th September 1895, and 443 dated 15th January 1896.

In exercise of the powers conferred by clause (*f*) of Section 11 of the Sea Customs Act, 1878, the Governor in Council is pleased to declare that on and after the 22nd day of January 1896, the area hereinbelow specified, including all buildings comprised therein, shall for the purposes of the said Act be deemed to be a Customs house and to declare the limits thereof as follows, *viz.* :—

Area.	Limits.
The Import Yard adjoining the Bunder Road, Karáchi, and vested in the Trustees of the Port of Karáchi.	On the North—Bunder Road. On the South—New Railway Station for outward goods. On the East—The Cullian Road. On the West—The New Railway Station for outward goods.

(G. N. No. 279, dated 10th January 1896.)

17. In exercise of the powers conferred by Section 205 of the Sea Customs Act, VIII of 1878, the Governor in Council is pleased to cancel Notification No. 5725*B*, dated 27th October 1879, published at pages 866 and 867 of the *Bombay Government Gazette* of the 6th November 1879, Part I, and to modify the Notification No. 4437*C*, dated the 25th May 1892, published at page 466 of the *Bombay Government Gazette* dated 26th May 1892, Part I, so far as it relates to the ports of Khund, Siran, Bram, Haidri and Reri; and to declare under Section 12 of the said Act the places hereinbelow specified to be ports for the carrying on of coasting trade with Customs ports within the Province of Sind, and for no other purpose—

Khund, Siran, Bram, Haidri and Reri.

(G. N. No. 6315C, dated 25th August 1897.)

18. In exercise of the powers conferred under Section 12 of the Sea Customs Act, 1878, His Excellency the Governor in Council is pleased to declare Ghizri Bandar to be a port for the carrying on of coasting trade with Customs ports within the Province of Sind. (G. N. No. 9296A, dated 23rd November 1895.)

19. Under the provisions of Section 12* of Act VI of 1863, and in the exercise of the power and authority therein reserved, the Governor General in Council is pleased to declare the ports of the Native States of Cochin and Travancore to be British Indian ports for the purposes of Section 18, Section 141 and Sections 149 to 160 of the same Act† in so far as the said sections or any of them are capable of being applied with respect to such ports. This declaration is to have effect from the 1st June 1865. (G. I. Notn. No. 1131, dated 30th June 1865; *vide* G. N. dated 11th July 1865, at page 73 of the *B. G. G.* of 13th idem.)

*Cf. Section 13 of Act VIII of 1878.

† *Note.*—The corresponding sections of Act VIII of 1878 are Nos. 20, 42, 43, 72, 157 (*c*), 165, 161, 164, 159, 163 and clauses 62 to 71 of No. 167.

*Cf. Section 13 of Act VIII of 1878.

20. Under the provisions of Section 12* of Act VI of 1863, and in the exercise of the power and authority therein reserved, the Governor General in Council is pleased to declare the ports of H. H the Gáckwár, the Thákor of Bhávnagar and the Naváb of Cambay to be British Indian ports for the purposes of Section 18, Section 141, and Sections 149 to 160 of the same Act, in so far as the said sections or any of them are capable of being applied with respect to such ports. (G. I. Notn. No. 1180, dated 26th June 1866, republished at p. 119 of the *B. G. G.* of 12th July 1866.)

Note.—*Vide* note under the preceding paragraph.

21. In exercise of the power conferred by Section 13 of the Sea Customs Act, VIII of 1878, and in supersession of so much of Notification No. 1180, dated the 26th June 1866, as relates to the port of Cambay, the Governor General in Council is pleased to direct that all goods imported from or exported to the said port into or from any Customs port in British India shall be treated as regards the levy of Customs duties and the payment of drawbacks under the said Act as goods imported from or exported to a Customs port, as the case may be. (G. I., F. & C., Notn. No. 2559, dated 1st August 1884; *vide* G. R. No. 6706, dated 20th idem.)

22. In exercise of the power conferred by Section 13 of the Sea Customs Act, VIII of 1878, the Governor General in Council is pleased to direct that all goods imported from or exported to ports in the territory of the Naváb of Habsán into or from any Customs port in British India shall be treated, as regards the levy of Customs duties and the payment of drawback under the said Act, as goods imported from or exported to a Customs port, as the case may be. (G. I., F. & C., Notn. No. 35-S, dated 23rd January 1885; *vide* G. N. No. 805, dated 28th idem, at p. 126 of the *B. G. G.* of 29th idem.)

Note.—The provisions of this notification do not apply to the Naváb of Janjira's port of Jáfrábád in Káthiáwár. (G. R., P. D., No. 7361, dated 11th November 1887.)

23. His Excellency in Council sanctions the abolition of the Customs duties levied under Amaldastur at the ports of Gandevi and Navsári, which should be placed on the footing of ordinary British ports. (G. R. No. 4302, dated 17th November 1868.)

24. Under Section 14 of the Sea Customs Act, 1878, His Excellency the Governor in Council is pleased to declare the port of Karáchi to be a warehousing port for the purposes of that Act. (G. N. No. 5297, dated 8th August 1882.)

25. In exercise of the power conferred by Section 14 of the Sea Customs Act, VIII of 1878, the Governor of Bombay in Council is pleased to declare the port of Bombay to be a warehousing port for the purposes of the said Act. (G. N. No. 4437 J., dated 25th May 1892.)

IV.—PROHIBITIONS AND RESTRICTIONS OF IMPORTATION AND EXPORTATION.

1. In exercise of the powers vested in him by Section 23*, Act VI of 1863 (The Consolidated Customs Act), the Governor General in Council is pleased to prohibit the importation of unfermented toddy into the city of Bombay by sea, with effect from this date. (G. I. Notn. No. 19, dated 1st February 1878; *vide* G. N. No. 613, dated 6th idem.)

*Cf. Section 18 of Act VIII of 1878.

2. In exercise of the power conferred by Section 19 of the Sea Customs Act, 1878, the Governor General in Council prohibits the bringing or taking by sea or by land into or out of British India of arms, ammunition or military stores as defined in the Indian Arms Act, 1878, except in accordance with the provisions of that Act and the rules and orders issued thereunder. (G. I., F. & C., Notn. No. 2251, dated 16th August 1879; *vide* G. N. No. 4366, dated 20th idem.)

3. In exercise of the powers conferred by Section 19 of the Sea Customs Act, 1878, the Governor General in Council is pleased to prohibit the importation into ports in British India of cotton goods impressed with designs in imitation of currency notes, promissory notes or stock notes of the Government of India. (G. I., F. & C., Notn. No. 4878, dated 10th November 1882; *vide* G. R. No. 8553, dated 6th December 1882.)

4. In exercise of the powers conferred by Section 19 of the Sea Customs Act, VIII of 1878, the Governor General in Council is pleased to prohibit the bringing into British India by sea or by land of pieces of metal resembling in shape and in size, and stamped either on the obverse or on the reverse in imitation of rupees, half rupees, quarter rupees and one-eighth rupees. (G. I., F. & C., Notn. No. 88-S., dated 22nd March 1887; *vide* G. R. No. 2178, dated 6th April 1887.)

5. In exercise of the power conferred by Section 19 of the Sea Customs Act, VIII of 1878, the Governor General in Council is pleased to prohibit the bringing into British India by sea or by land of pieces of copper or mixed metal which not being coin as defined in the Indian Penal Code are intended to be used as money:

Provided that the bringing of such pieces into British India by a traveller in quantity not exceeding one hundred pieces and in good faith for his own use, shall not be deemed to be prohibited by this notification.

2. In exercise of the power conferred by Section 6 of the Metal Tokens Act, I of 1889, the Governor General in Council is further pleased to direct—

(*a*) that any person bringing pieces of copper into British India in contravention of the foregoing prohibition under Section 19 of the Sea Customs Act, 1878, shall be liable to the

punishment to which he would be liable if he were convicted under the Metal Tokens Act, I of 1889, of making in British India, in contravention of Section 3 of that Act, any such piece as is mentioned in that section, and

(*b*) that the provisions of sub-section (3) of Section 4 and sub-section (1) of Section 5 of the Metal Tokens Act I of 1889, in relation to the offence of making in British India, in contravention of Section 3 of that Act, any such piece as is mentioned in that section shall apply, so far as they can be made applicable, to the offence of contravening the foregoing prohibition under Section 19 of the Sea Customs Act, 1878.

(G. I., F. & C., Notn. No. 625, dated 1st February 1889; *vide* G. N. No. 960, dated 6th idem.)

6. Under Section 19 of the Sea Customs Act, 1878, the Governor General in Council hereby prohibits the bringing or taking by sea or by land into British India of any copies of past or future issues of the newspaper styled the *Praja Bandhu* and published at the Vyas Press, Chandernagore. (G. I., F. & C., Notn. No. 5419, dated 26th October 1889; *vide* G. Notn. No. 8283, dated 30th idem.)

7. In exercise of the power conferred by Section 19 of the Sea Customs Act, VIII of 1878, the Governor General in Council is pleased to prohibit the bringing of salt—

(*a*) by sea into any part of the districts of Ahmedabad, Kaira, Broach and Surat;

(*b*) by sea into the ports of Kalyán and Bhiwndi in the Thána District;

(*c*) by sea or by land into Aden.*

(G. I., F. & C., Notn. No. 4917, dated 14th October 1890; *vide* G. R. No. 7839, dated 4th November 1890).

**Note.*—With reference to Bombay Government Notification No. 4817, dated 27th June 1883, which originally prohibited the import of salt into Aden, it was ruled in G. I., F. & C., No. 625 dated 9th May 1885, that the prohibition should not be enforced in the case of table-salt so long as the imports continued to be small; *vide* G. R. No. 4240, dated 27th May 1885.

8. In exercise of the powers conferred by Section 19 of the Sea Customs Act VIII of 1878, the Governor General in Council is pleased to prohibit, with effect from the 15th January 1892, the bringing or taking by sea or by land into any part of the Presidency of Bombay of country liquor produced or manufactured in any part of the Indian Possessions of His Majesty the King of Portugal and the Algarves. (G. I., F. & C., Notn. No. 171, dated 12th January 1892, republished under G. N. No. 263, dated 13th idem; *vide* G. R. No. 283, dated 14th idem.)

9. In exercise of the powers conferred by Section 19 of the Sea Customs Act, VIII of 1878, the Governor General in Council is pleased to prohibit the

To be inserted as an addendum to Part IV of the Chapter relating to Customs at page 187 of the Compilation of Standing Orders of Government in the Revenue Department.

In exercise of the power conferred by clause (*c*) of Section 157 of the Sea Customs Act, 1878, and in supersession of the rules made under the said clause and published as specified in the margin the Governor in Council is pleased to make the following rule, viz. :—

Notification No. 5421, dated 5th July 1884, published at page 500 of the *Bombay Government Gazette* for 1884, Part I.

Notification No. 941 of the 31st January 1885, published at page 144 of the *Bombay Government Gazette* for 1885, Part I.

No timber, firewood, bamboos, myrabolams shikákái, charcoal or shembe bark shipped at any place declared under Section 12 of the Sea Customs Act, 1878, to be a port, or at any customs port except the Port of Bombay and the Ports in Sind, and in the districts of Ahmedabad, Kaira and Broach, may be carried in a coasting vessel :

(*a*) unless at the time of shipment the shipper appends to his shipping bill a pass in one or other of the forms hereinafter mentioned covering such timber, firewood, bamboos, myrabolams, shikákái, charcoal or shembe bark, nor

(*b*) until the Customs Collector at the port of shipment shall have certified by endorsement on the shipping bill that a pass as aforesaid has been produced before him and cancelled by him.

The pass required by this rule shall be either :

(*a*) a pass granted by a competent officer under No. 3 of the rules framed by Government under Section 41 of the Indian Forest Act, 1878, and published by Notification No. 33 at page 689 of the *Bombay Government Gazette* for 1880, Part I, and, under the said section of the said Indian Forest Act as amended by the Forest Act, 1890, amended by the rule published by Notification No. 5586 at page 818 of the *Bombay Government Gazette* for 1895, Part I, or

(*b*) a pass granted for the purpose of this rule by

(i) a person duly authorized under No. 13 of the said rules under the said Indian Forest Act, amended as aforesaid, or

(ii) an officer belonging to one or other of the classes following, that is to say,—

Mámlatdárs,
Head Kárkuns,
General-Duty Kárkuns,
Talátis,
Kulkarnis,
Mahálkaris.

(G. N. No. 9670, dated 1st December 1896.)

bringing of petroleum into the Bombay Presidency, whether by sea or land, unless such petroleum

(1) has been certified to be not dangerous by a testing officer appointed by a Local Government under Section 9 of the Petroleum Act (XII of 1886), and

(2) has paid the import duty specified in Schedule II of the Indian Tariff Act (XI of 1882) as amended by Act II of 1888.

(G. I., F. & C., Notn. No. 289-S., dated 17th December 1892; *vide* G. N. No. 10137, dated 28th idem.)

Note.—The local officials should not bring this notification to bear upon imports from places other than the Portuguese Settlements, Káthiáwár or Cutch. (G. R. No. 166, dated 6th January 1893.)

10. In exercise of the power conferred by Section 19 of the Sea Customs Act (VIII of 1878), the Governor General in Council is pleased to prohibit the bringing into British India, by sea or by land, of copper or bronze coin issued by the State of Baroda.

Provided that the bringing of such coin into British India by a traveller, in any quantity not exceeding one rupee's worth at any one time, in good faith for his own use, shall not be deemed to be prohibited by this notification. (G. I., F. & C., Notn No. 1698 A., dated 19th April 1893; *vide* G. N. No. 2951, dated 26th idem.)

11. Consignments of copper blanks imported for Native States should be detained by the Customs authorities and reported for the orders of the Government of India. (G. I., F. & C., No. 5209, dated 10th October 1889; *vide* G. R. No. 8087, dated 24th idem.)

12. Section 19 of the Sea Customs Act only authorizes the prohibition of the import of specified goods into any part of British India from outside British India. (G. I., F. & C., No. 3053, dated 18th July 1891.)

13. The Commissioner of Customs and the Commissioner in Sind should take the necessary action for stopping the importation of the American publication entitled 'Webster's Encyclopædic Dictionary of the English Language' by Noah Webster, which contains in its Appendix reprints of a portion of the English copyright work 'Encyclopædic Dictionary' published by Messrs. Cassels. (G. R. No. 217, dated 12th January 1892.)

V.—LEVY OF CUSTOMS DUTIES.

1. The Governor General in Council desires to call attention to certain provisions in the Sea Customs Act, 1878, which were the subject of much discussion when the Act was under consideration.

Section 32 deals with the case of goods undervalued for duty. It takes the place of Section 27 of Act VI of 1863. A new power is given to th Customs Collector when goods taken over by th

Government have been brought to sale by public auction and when the highest offer made at such sale is, in his opinion, inadequate. Under such circumstances the Customs Collector is empowered either to adjourn the sale or to buy in the goods and dispose of them for the benefit of the Government.

Some apprehension has been expressed that this power may be abused. It has been pointed out that when a firm imports goods out of season, and has to hold them over for some months before it can dispose of them, it must take into consideration interest, storage, cost of establishment, fire insurance and other charges to which it will be put before the goods are disposed of. If the Customs Collector is not satisfied with the valuation of such goods and takes them over for the use of Government, it is feared that the goods may be kept until the season when the prices have risen, the Customs Collector not being deterred by the consideration of the charges of the kind above mentioned and using his own judgment as to what is an 'unnecessary delay.'

It is needless to say that such a use of the power given by Section 32 to the Customs Collector, involving, as it would, a commercial speculation, would not be approved by the Government.

Then, again, the power of adjournment of the sale, or of buying in the goods for subsequent disposal for the benefit of Government, is one which should only be exercised on clear necessity being shown for such a course. In the Presidency town, it will probably be less necessary than in smaller centres of commerce, for the large number of dealers would be generally a sufficient safeguard against inadequate offers.

It is desirable that periodical returns should be made by the Customs Collector, showing the instances in which he has delayed the original sale by auction beyond one fortnight and those in which he has either adjourned the sale or bought in the goods, and in the latter case how and when he has disposed of them, with explanations of his reasons for so acting. (G. I., R., A. & C., No. 50, dated 21st March 1878; *vide* G. R. No. 1776, dated 6th April 1878.)

2. Half-yearly returns of the nature referred to above should be furnished by the Customs authorities. (G. R. No. 3171, dated 24th June 1878.)

3. The definition of the words "wholesale lots" occurring in Section 32 of the Sea Customs Act, VIII of 1878, must mainly be governed by the custom of the trade, and should, therefore, to a great extent, be left to the discretion of local Customs authorities. On the whole the Government of India is disposed to think that the following course might reasonably be taken as a guide by Customs officers in dealing with such cases, *viz.*, that the words "wholesale lots" should be taken to signify, as far as may be, such lots as wholesale dealer

would be willing, in the ordinary course of business, to sell at wholesale rates; that lots such as a retail price would be demanded for by the trade, as when goods taken over consist of, or include, single articles, should be sold singly; that the valuation of imported goods being based on the wholesale cash price, the sale of goods taken over should be effected on the basis of wholesale cash terms, and the time within which the sale must take place should be specified.

It has been ruled in a case appealed to the Government of India against the decision of the local authorities in Calcutta, in connection with the sale of a consignment of corals taken over for undervaluation, that goods entered in two or more bills of entry and parcels of goods separately valued in one bill of entry should not be sold in one lot, but separately. This ruling should be carefully observed in all ports when goods are sold which have been taken over as undervalued. (G. I., F. & C., No. 2860, dated 22nd September 1879; *vide* G. R. No. 5409, dated 8th October 1879.)

4. When an overcharge of duty has been made, a written intimation should be sent to the parties concerned as soon as may be after the error has been discovered. (G. I., R., A. & C., No. 138, dated 4th December 1878; *vide* G. R. No. 6392, dated 11th idem.)

5. The Sea Customs Act, 1878, being an Act imposing burdens must receive a strict construction in a sense favourable to the subject. Thus goods must not be removed before payment of duties (Section 88). The bill of entry must not be amended after the goods are removed (Section 36). But a refund may be claimed within three months from payment of duties (Section 40.) Therefore repayment can be made without any legal necessity to amend the bill of entry. Similarly other sections must not be strained by argument against the subject; on the contrary their wording must be construed strictly, but beneficially to the subject, so as to consist with Section 40, and not so as, if possible, to negative the benefit conveyed by the terms of the latter section. Section 40 also must receive a strict, but liberal, construction beneficial to the subject, and must not be restricted by mere inferences. It is not open to the Customs authorities to say that the section refers to inadvertence, error or misconstruction on the part of Customs officers only, or that it must be discovered before the goods leave the Custom House; those restrictive conditions are not to be found in the section.* (Solicitor to

* In this connection reference may be made to the following paragraphs of the Legal Remembrancer's memorandum No. 735, dated 12th September 1878 (*vide* G. R., F. D., No. 3384, dated 20th idem), the opinion contained in which was concurred in by the Solicitor to Government:—

"4. In the second place, however, Section 36 of the Sea Customs Act, 1878, is quoted in support of the refusal to grant repayment of the duty paid through error. That section prohibits any amendment of a bill of entry 'relating to goods

Govt., No. 658, dated 29th January 1879; *vide* G. R. No. 618, dated 5th February 1879.)

6. It has been brought to the notice of the Government of India, that articles liable to Sea-Customs duty are frequently imported into India through the Letter Post and thus escape the duty to which they are liable. Such importations are in direct contravention of the Indian Post Office Act, 1866, Section 60 of which Act declares that any covers supposed to contain articles subject to Customs duty may be opened by the Post Office authorities after due notice to attend has been given to the addressee.

His Excellency the Governor General in Council desires to remind the public, that the importation through the Letter Post of goods liable to duty is illegal, and to notify for general information that the provisions of Section 60 of Act XIV of 1866 will be strictly enforced. (G. I., F. D., No. 1170, dated 7th March 1879; *vide* G. N. No. 1352, dated 12th idem.)

7. Particular care is essential in the examination of goods imported by Overland Parcel Post, and the Customs authorities should give special attention to this matter. (G. I., R. & A., No. 95, dated 3rd July 1879; *vide* G. R. No. 3686, dated 14th idem.)

* Now Act III of 1894.

8. The Indian Tariff* Act (XI of 1882) extends to the whole of British India except Aden. The repeal by it of Section 8 and the second Schedule of the Indian Arms Act (XI of 1878) is, therefore, applicable to every port of British India except Aden. In Aden that section and schedule of the Arms Act are still in force.

Aden is, generally speaking, a free port and in order to secure it this privilege the Sea Customs Act (VIII of 1878) classes it for the purposes of that Act as a foreign port. Therefore under Section

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assessed for duty on the declared value, quantity or description thereof' after such goods have been removed from the Custom House, and this is interpreted by the Customs authorities to mean that no repayment of duty shall be made after the goods have passed out of the Custom House, because such repayment 'would involve an amendment of the bill of entry.' If this had been the intention of the Legislature I think it would have been clearly so stated in Section 40, and not have been left to inference. There is, moreover, nothing in the Act that requires a bill of entry to be amended when repayment of duty is made. The bill of entry is, I presume, finally filed and recorded as soon as the goods are removed from the Custom House. If repayment of the duty, or of any part of the duty paid in accordance with it, is afterwards at any time paid back again it may be the custom of the Department to note this fact on the bill, but this can hardly be called an amendment of the bill.

"5. Sections 36 and 40 must be so construed as not to be inconsistent the one with the other, and it seems to me that the intention is that if an error in a bill of entry or shipping bill is discovered after the goods have left the Custom House, the owner shall not be allowed to get the bill amended, but must bring his claim under Section 40, and satisfy the authorities by such other trustworthy evidence as he can bring forward that a mistake has been made in consequence of which he has paid more than he ought to have paid."

20 (*a*) of that Act, goods imported from Aden into any Customs port are liable to the import duties prescribed in Schedule II of the Indian Tariff Act (XI of 1832), because they do not come from a port in British India on importation into which they have already been charged those duties. (L. R. No. 430, dated 21st March 1884; *vide* G. R. No. 3366, dated 25th April 1884.)

9. Whenever there is any doubt as to the correct interpretation of the Tariff, reference should be made to the Government of India, and not from one Custom House to another (G. I., R., A. & C., Nos. 443, dated 24th October 1877, and C. 561, dated 26th November 1878; *vide* G. Rs. Nos. 6745, dated 12th November 1877, and 6274, dated 4th December 1878.)

10. All articles paid for from Local Funds, when liable to duty under the Tariff, should pay duty. (G. I., R., A. & C., No. 380 C., dated 20th August 1878; *vide* G. R. No. 4725, dated 14th September 1878.)

11. Canned fruits and vegetables are dutiable under No. 47,* 'Provisions and Oilman's Stores' of Schedule A of the Indian Tariff Act, XVI of 1875. Such heading is more appropriate for such articles than that of "Fruits and vegetables" which is only intended to include such articles as dates, cocoanuts, pistachio nuts, walnuts, &c., imported in bulk, and largely consumed as food by various classes of the native population. (G. I., R., A. & C., No. 71, dated 17th July 1878; *vide* G. R. No. 3725, dated 24th idem.)

*Cf. 6 of Schedule IV of the Indian Tariff Act, VIII of 1894.

12. Toilet or violet powder and tooth powder and other such articles should be classed as toilet requisites both for assessment of duty and for statistical purposes.

As a general rule, under the head of Perfumery can be classed only such articles the primary use and object of which is to create a pleasant odour. (G. I., R., A. & C., No. 74, dated 1st February 1879; *vide* G. R. No. 718, dated 11th idem.)

13. For purposes of Customs duty, Eno's Fruit Salt and Easton's Syrup should be classed as "Drugs and Medicines" and "Eye-protectors" as "Optical Instruments." (G. I., R., A. & C., No. 73, dated 5th May 1879; *vide* G. R. No. 2582, dated 15th idem.)

14. An article may not be mentioned under a Tariff heading, and may yet belong to a class of goods which is subject to duty under the Tariff. For example, certain articles made of caoutchouc fall appropriately under the heads of "Apparel," "Stationery," "Toys and Requisites for Games," and "Piece-goods not otherwise described," and being dutiable under those heads have been properly so taxed. The rule to observe in regard to manufactures of caoutchouc is to consider the articles to be free or dutiable accordingly as the head under which they may reasonably be classified is exempted

from or is subject to duty. (G. I., F. & C., No. 1710, dated 19th July 1879; *vide* G. R. No. 3927, dated 29th July 1879.)

15. Powder-flasks fall under the definition given in clause 8, Schedule* II of the Arms Act, X of 1878, being tools for loading fire-arms, and shot-pouches and capping-machines for muzzle-loaders fall under the same category. This decision, however, does not apply to bullet moulds, since bullet moulds are not articles employed in the process of loading, but machines for manufacturing ammunition. (G. I., H., R. & A., No. 1614, dated 4th September 1879; *vide* G. Rs. Nos. 4927, dated 15th idem, and 5619, dated 18th August 1888.)

* *Vide* Schedule II of the Indian Tariff Act, 1894.

16. Cod-liver oil should be classed and charged with duty under the head "Drugs and Medicines," whether imported in casks or bottles. (G. I., F. & C., No. 2747, dated 13th September 1879; *vide* G. R. No. 5110, dated 24th idem.)

Tamarind and dried lemons are clearly not fresh fruit and free from duty. Bearing in mind the purposes for which these articles are imported, and the uses to which they are turned, they should be treated as coming under the head "Groceries not otherwise described" and held liable to the payment of duty. (G. R., F. D., No. 4484, dated 17th December 1879.)

17. Townsend's Sarsaparilla should for Customs purposes be treated as a medicine, but should be subjected to occasional analysis in order to ensure that the proportion of 20 per cent. of alcohol is not exceeded. (G. R. No. 6988, dated 31st December 1879.)

18. Weighing machines, including those in the shape of weigh-bridges, should be treated as hardware for Customs purposes and should be entered under the head of "Hardware and Cutlery" in the trade returns. (G. I., F. & C., No. 54, dated 10th January 1880; *vide* G. R. No. 327, dated 21st idem.)

19. Tamarinds and dried lemons should for the purposes of the Customs Tariff be classed for assessment for duty under † item 47, Provisions and Oilman's Stores—sub-head, Groceries not otherwise described.

†Cf. Item 6, Schedule IV, Act VIII of 1894.

For statistical purposes both tamarinds and dried lemons should be classed under Provisions —sub-head, Fruits and Vegetables, dried, salted or preserved. (G. I., F. & C., No. 35 C, dated 28th January 1880; *vide* G. R. No. 670, dated 7th February 1880.)

20. Bedmushk, which is used principally as a drug, should be classed for assessment to duty and for statistical record under the head of "Drugs and Medicines."

Bazarbattu nuts, which are the inedible fruit of the Corypha umbraculifera from which beads are made, should be classed under "All other articles"

in the Trade Returns instead of under "Fruits and Vegetables." (G. I., F. & C., Nos. 42-C., dated 31st January 1880, and 89-C., dated 16th March 1880; *vide* G. Rs. Nos. 707, dated 10th February 1880, and 1601, dated 29th March 1880.)

21. The provisions of item 1 ("Firearms other than pistols, for each duty Rs. 50") and Proviso I, Schedule II to the * Tariff Act, 1882, mean that a gun imported for *sale* pays Rs. 50, whatever be its value, but that a gun imported for *private use* pays only 10 per cent. of its value, if it be worth less than Rs. 500, but never more than Rs. 50. (G. R. No. 5125, dated 9th July 1883.)

* Now Act VIII of 1894.

22. In dealing with consignments of different descriptions of blasting powder, the practice which obtains at the Calcutta Customs House of classing blasting powder, whether coarse or fine, as common powder for purposes of tariff valuation, commends itself to the Government of India. It is always within the discretion of the Collector of Customs to decide that a consignment of what is declared to be blasting powder is manifestly sporting powder, and to treat it accordingly. (G. I., F. & C., No. 196-S., dated 28th December 1883; *vide* G. R. No. 266, dated 11th January 1884.)

23. Ornamental arms possessing only antiquarian value are not to be treated as arms for Customs purposes and should not be subject to the restrictions imposed upon arms, and should be registered as curiosities in the trade returns. Care should, however, be taken that weapons which might prove of use for purposes of offence or defence are not passed as curiosities. (G. I., F. & C., No. 40-S., dated 3rd March 1884; *vide* G. Rs. Nos. 2509, dated 21st idem, and 3028, dated 10th April 1884.)

24. The Government of India have held that hunting-knives fall within the scope of the Arms Act. They are accordingly liable to duty under the Indian Tariff Act under the head "All other sorts" of Arms, Ammunition and Military Stores. (G. R. No. 6894, dated 26th August 1885.)

25. A vernier is not, strictly speaking, a component of a firearm and is, therefore, not liable to Customs duty as such and is exempt from the provisions of the Arms Act requiring a license for its possession. Foresight definers, sight protectors and swivels should be treated in the same way as verniers. (G. Rs. Nos. 6886, dated 29th September 1886, 397, dated 17th January 1887, and 8352, dated 4th December 1891.)

26. All clothing, military equipments or other stores, such as the men are bound to provide for themselves under regulation, are liable to Customs duty when imported for the use of native regiments either direct or through the Clothing Department, and this duty must be paid by the regiment importing them. These orders are applicable to all native regiments. (G. I., M. D., No. 982-S.D., dated 13th July 1886; *vide* G. R., M. D., No. 3118,

dated 26th idem; G. M. No. 5676, dated 9th August 1886; and G. R. No. 4420, dated 14th July 1887.)*

27. The practice followed at the Karáchi and Calcutta Customs Houses of charging duty on concentrated compounds containing spirits for the manufacture of ginger-beer, ginger-ale, ginger-champagne, orangeade, lemonade, &c., and flavouring essences according to the proportion of proof spirit contained therein should be adopted at the Bombay Customs House. (G. R. No. 6565, dated 16th September 1886.)

28. The salt manure termed Kainit should be treated as salt for purposes of import duty. (G. R. No. 6206, dated 13th September 1888.)

29. A knife with a cartridge extractor as one of its fittings does not form part of a firearm for the purposes of the Arms Act, and no license is required under that Act for the importation of such knives. (G. R. No. 36344, dated 28th August 1889, and 3164, dated 2nd April 1892.)

30. Chura† and curmura‡ should be treated as rice for Customs and statistical purposes. (G. I., F & C., Nos. 53-S., dated 5th February, and 3236, dated 4th July 1890; *vide* G. Rs. Nos. 1296, dated 19th February 1890, and 5060, dated 19th July 1890.)

31. Air guns other than toys should be treated as arms for the purposes of the Indian Arms Act, 1878, and the rules thereunder. (G. I., M. D., No. 3697-D., dated 24th September 1891; *vide* G. R., M. D. No. 1926, dated 2nd October 1891, and G. M. No. 7199, dated 20th idem.)

VI.—EXEMPTION FROM DUTIES, AND REFUNDS.

1. The Government of India has always been very particular not to relax the rule against special exemptions from payment of Customs duty, such being made only in very exceptional cases. If a claim for exemption is held to merit consideration, the proper course for the applicant to adopt is to pay the duty and then apply for a refund. In this way the claim will be considered on its merits as what it really is, namely, a claim for a grant of public money in aid of some object. But the cases must be very rare in which the Government can properly be called on to repay charges of this kind

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* The Government of India have decided that the amount of Customs duty paid on arms, or component parts thereof, imported for the use of native troops, will be refunded to regiments on the presentation to the Military authorities of a bill for the amount so paid by the Officer Commanding the corps concerned. These amounts will form items of military expenditure. (G. I., M.D., No. 811 D., dated 20th February 1893; *vide* G. R., M. D., No. 457, dated 6th March 1893.)

† "Chura" is made by boiling unhusked rice, drying it in a pan on a fire, and then pounding it till the grains flatten out.

‡ "Curmura" is made by boiling unhusked rice, drying it in the sun, pounding it to remove the husk, mixing it with the sea sand and roasting it until the grains expand.

by a grant of public money. Customs duties must be looked on in exactly the same light as any other necessary charges connected with the importation of the articles such as freight, insurance, &c., and there is no more reason for Government paying these duties than there would be for Government paying the freight. (G. I., F. D., No. 4330, dated 29th October 1869, and G. I., F. & C., No. 1036, dated 10th June 1881; *vide* G. Rs. Nos. 563, dated 17th December 1869, and 3518, dated 20th June 1881.)

2. No exemptions from payment of Customs duty should be granted by the Government of Bombay in anticipation of the sanction of the Government of India as was done in December 1890 in the case of Prince Christian Victor. The action of the Government of Bombay should, in similar cases, be limited to the exemption of personal baggage from examination, and the acceptance of the declaration made in respect of the baggage. (G. I., F. & C., No. 1994, dated 12th May 1892; *vide* G. R. No. 4916, dated 11th June 1892.)

3. Only arms of regulation pattern, forming part of the equipment with which, by the rules of the service, an officer entitled to wear diplomatic, military or police uniform is bound to provide himself, are free of duty, but this exemption does not extend to other arms with which an officer is not required to furnish himself *ex officio*. All these should be charged with duty, unless it can be shown that duty has been paid thereon on previous importation, or that they form part of the obligatory equipment of the officer importing them. (G. I., F. & C., No. 2498, dated 30th August 1879; *vide* G. R. No. 4828, dated 10th September 1879.)

4. The Governor General in Council is pleased to concede, as a matter of courtesy, to ruling Chiefs of Feudatory States in India, who are entitled to be called His Highness, arriving by sea in the Bombay Presidency, the privilege of exemption of their baggage from Customs duty. The concession will apply to all British ports within the Presidency and to all occasions when such Chiefs are travelling.

Under orders issued in 1861 the Gáekwár of Baroda and the Mahárájas Scindiah and Holkar have the privilege of importing, free of Customs duties, articles intended for their personal use. The same concession may be made to other Native rulers of equal rank, such as His Highness the Nizám of Hyderabad, His Highness the Mahárája of Mysore, and any Chief whose permanent salute is not less than 19 guns. (G. I., For. Dept., No. 2340-I., dated 13th June 1888; *vide* G. R., P. D., No. 4686, dated 11th July 1888, and G. M. No. 4987, dated 26th idem; also *vide* G. R. No. 7729, dated 29th September 1892.)

Resolution by the Government of India in the Financial Department, No. 12355, dated the 28th September 1861.

5. The Political Department may include in the orders regarding the embarkation and disembarkation of Native Chiefs the recital of the exemption of their baggage from Customs duty sanctioned by the

Government of India, without a reference in each case to the Revenue Department. (G. M. No. 4988, dated 26th July 1888.)

6. The following revised rules for giving effect to Article IX of the Treaty between the British Government and His Highness the Maháraja of Jamu and Kashmir of 2nd May 1870 in respect of the treatment of claims for exemption from import duty made in respect of goods transmitted in bond through British India to the territories of His Highness the Maháraja of Kashmir and Jamu or (through those territories) to Russian and Chinese Turkistan are published :—

I.—Procedure at the Custom-house.

1. Customs duty should be levied on all goods liable to such duty imported into India and declared and sealed for transmission in bond to Jamu or Srinagar.

2. Such goods should be brought by the owner to the Custom-house for examination and identification as in the case of imported goods exported to foreign ports under claim for drawback, and the owner should present with the goods an application in Form A.

3. After identification of the goods the packages should be sealed, and an invoice in Form B prepared by the Customs authorities for delivery to the owner, who may then remove the goods. The counterfoil of the invoice should be retained in the Custom-house.

4. The Customs authorities should send direct and immediately to the Resident in Kashmir a duplicate of the invoice (Form B).

II.—Procedure of the Kashmir State Officials

5. On arrival of the goods in Jamu or Kashmir, the packages should be examined and compared with the invoice by an official appointed for the purpose by His Highness the Maháraja and by an official of the British Government appointed by the Resident in Kashmir. If the seals on the packages are intact, and the packages and their contents correspond with the description in the invoice, the officials should, after attesting the invoice, make it over to any officer whom the Kashmir Darbár may direct to receive it for delivery to the Resident.

III.—Procedure of the Resident in Kashmir.

6. On the Resident, or a responsible officer delegated by him, satisfying himself as to the identity of the goods, he should, after comparing the invoice with the duplicate received by him from the Customs authorities (Rule 4), record on the invoice an order for the credit to the State of the amount of duty levied on the goods.

7. Every invoice on which such an order has been recorded, should be forwarded to the Accoun-

tant General of the Kashmir State, who will arrange with the Accountant General, Punjab, to credit the State with the sum due in the manner usual with all money transactions between the State and the Government of India.

8. The Resident should maintain a record of the invoices on which refunds are made, and compare monthly or quarterly the total sums paid to the State with the total of the sums noted on the duplicates received from the Custom-houses in accordance with Rule 4. He should also submit annually, for the information of the Government of India, a brief report on the working of the system now prescribed.

(G. R., R. D., No. 335, dated 14th January 1898.)

A.

To—THE COLLECTOR OF CUSTOMS.

SIR,—Please permit the following goods to be transmitted under Customs seal to

Marks and numbers on packages.	Number and description of packages.	Description of goods.	Weight or quantity.	Value for duty.	Number and date of duty bills under which the goods were imported.	REMARKS.

Certified that the above-mentioned packages have been identified by me and sealed with the Customs seal under my supervision.

Inspector.

do declare the contents of this application to be truly stated

Owner.

Let export.

Assistant Collector of Customs.

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B.

Invoice No. and date.

Invoice of Goods to be transmitted under Customs seal through British India to the territory of His Highness the Mahárája of Kashmir and Jammu

from *to*

Owner.

Description of goods.

Total amount of duty—
Rs. a. p.

Charged on Import.

Total gross weight—
Cwt. qrs. lbs.

1	2	3	4	5	6	7			8	9		10		11
Number of invoice.	Name of exporter.	Marks and numbers on packages.	Number and description of packages.	Description of goods.	Weight or quantity.	Value for duty.			Rate of duty charged under Indian Tariff Act.	Amount of duty charged on import.		Gross weight of packages.		Attestation of Customs official of His Highness the Mahárája and of an official of the British Government.
						Rs.	*a.*	*p.*		*Rs.*	*a.*	*p.*	Cwts.	qrs. lbs.
														Countersigned *Governor of*

Assistant Collector of Customs.

——CUSTOM HOUSE;

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Assistant Collector of Customs.

7. In exercise of the power conferred by Section 23 of the Sea Customs Act (VIII of 1878), the Governor General in Council is pleased to exempt from the whole of the duties of Customs leviable thereon all arms, ammunition, and military stores imported into British India, with the sanction of the Government of India, for the use of any portion of the military forces of a Native State in India which may be maintained and organized for Imperial Service. (G. of I., F. & C., Notn. No. 3028-S, dated 21st July 1892; *vide* G. N. No. 6089 of 27th idem.)

8. In exercise of the powers conferred by Section 23 of the Sea Customs Act (VIII of 1878), the Governor General in Council is pleased to exempt from Customs duty all guns brought into British India from the French settlements of Pondicherry, Karikal, or Máhe by residents of any of those settlements being Europeans:

Provided that the guns are covered by a pass issued under the authority of the Government of the settlement from which they are brought, and countersigned by a British Magistrate, certifying that the holders are entitled to carry the guns for sporting purposes.

2. Notification No. 2257, dated the 15th December 1879, issued by the Government of India in the Home Department is hereby cancelled. (G. I., F. & C., Notn. No. 2001-S., dated the 12th May 1893; *vide* G. N. No. 3606, dated 17th idem.)

9. *Customs Circular No. VI* of 1895.—* * To establish a claim for exemption from duty on lost goods it must be shown that the goods when lost had not actually been entered for warehousing or for home consumption, or that they were lost after entry for home consumption while they were in the custody of the Customs officials. When the goods have been lost before entry for home consumption, or after it has been completed, and while the goods are in the custody of the importer or his agents, such loss must be accepted by the importer as a trade risk against which the Government cannot undertake to insure him. (*Vidé* G. N. No. 3141, dated 8th May 1895.)

10. *Customs Circular No. X of 1895.*—I am directed to acknowledge the receipt of your letter No. 179—L.M. 7 No. 57, dated the 14th September 1894, requesting sanction to the continuance of the procedure which was, until recently, in force in Bombay, of granting refunds of import duty on goods received by foreign parcel post which cannot be delivered in India and are re-exported beyond the limits within which they are liable to Customs duty, and to its application at all other ports at which parcels are received in India by the foreign parcel post.

2. I am to state that the Governor General in Council sanctions the proposal.

(G. N. No. 4619, dated 19th June 1895.)

11. *Customs Circular No. XI of* 1895.—I am directed to acknowledge the receipt of your letter No. 13 C.—L.M. 7-57 No. 1, dated the 16th April 1895, requesting sanction to the exemption from import duty of the contents of postal parcels originally posted in India and returned to the Indian Post Office as unclaimed, refused, or redirected from any place whether in or out of India, without having at any time left the custody of the Post Office.

2. I am to state that the Governor General in Council sanctions the proposal.

(G. N. No. 1619, dated 9th June 1895.)

12. *Customs Circular No IX of* 1897.—I am directed to state, for the information of His Excellency the Governor in Council, that the Governor General in Council has decided that mess-plate brought into India by British Regiments arriving in this country, and certified by the Commanding Officer to have been in use for twelve months, shall be exempted from Customs duty. This exemption applies only to mess-plate brought with the Regiment on arrival in India, and not to articles of mess-plate imported by the Regiment after its arrival in India. (G. N. No. 5282, dated 14th July 1897.)

13. When stores are imported by Government they are properly landed duty-free; but when articles are purchased by Government in this country after duty has been paid upon them, the price should be paid including the duty. The Governor General in Council observes that to pay the price *minus* the duty, and obtain a refund of the duty from the Customs, saves nothing, while it causes delay and unnecessary labour, and complicates the accounts. (G.I., F. D., No. 1672, dated 2nd August 1864; *vide* G. R. No. 3325, dated 31st idem.)

14. Articles imported for charitable purposes should not be exempted from Customs duties. (G. I., F. D., No. 1672, dated 2nd August 1864; *vide* G. R. No. 3325, dated 31st idem.)

15. As a general rule no duties should be received in Petty Customs* on the Import side on goods of a greater value than Rs. 200 and on the Export side on goods of a greater value than Rs. 400; refunds of payments made in Petty Customs are not to be allowed. (G. R. No. 361, dated 25th January 1872.)

16. Passengers may be allowed to carry specie as personal baggage without declaring the amount thereof. (G. R. No. 5576, dated 13th September 1877.)

17. The practice of the Bombay Custom House to pass free all apparel intended for personal use, whether new or not, is reasonable, but Custom House

* The "Petty Customs" is an off-shoot of the regular establishment developed for the convenience of the public, to pass without the usual formalities articles of small value upon which the duty is trifling and for which no receipts are granted. (Commissioner of Customs' No. 3559, dated 11th October 1871.)

officers should exercise judgment and discretion in this matter. It is obvious that a strict rule exempting all new apparel from duty, because it forms part of a passenger's baggage, would open the door widely to evasion of the revenue and illegitimate competition with ordinary trade. Whether new apparel imported as baggage should be exempted from duty or not, should depend upon the position of the owner and the circumstances of the case generally. (G. I., F. & C., No. 2498, dated 30th August 1879; *vide* G. R. No. 4828, dated 10th September 1879.)

18. If any article of foreign production on which import duty has been once paid is subsequently exported, it should on re-import be exempted from duty on the following conditions :—

The Collector of Customs must be satisfied—

(i) Of the identity of the articles.

(ii) That no drawback of duty was paid on its export.

(iii) That the ownership has not changed.

(iv) That it is private personal property re-imported for personal use, not merchandise for sale.

(v) That not more than three years have passed since it was re-exported.

The third condition should be liberally construed so that it should extend to the family of the original importer, but no exemption should be made in any case unless the Customs Collector is satisfied of the identity of the goods, and that ownership remains in the family of the first importer.

Each case in which exemption of duty is sought in respect to general merchandise re-imported under similar circumstances, must be referred for the consideration of the Local Government, because special care will be necessary in such cases to prevent frauds upon the revenue.

These rules should always be applied, irrespective of the manner of importation, the local rule that no refund of duty is on any account to be granted after a package has once passed the Customs House (Government Notification No. 987, dated 16th February 1881) being superseded not only when the goods are imported by Parcel Post, but otherwise. If the Customs Authorities take measures to make the rules generally known, and to bring them to the notice of passengers when landing, it will probably be found that in most cases claims for free admission of property which has once before paid duty will be made before the goods pass out of the Custom House.

(G. I., F. & C., Nos. 2377, dated 25th August 1879, 83 C., dated 10th March 1880, and 1368, dated 30th June 1881; *vide* G. Rs. Nos. 4781, dated 8th September 1879, 1500, dated 22nd March 1880, and 4166, dated 19th July 1881.)

19. Iron drums, &c., used in the packing of jingily oil, &c., exported from Bombay to the Persian Gulf and other foreign ports should be allowed to be re-imported free of duty. (G. R. No. 5532, dated 15th October 1879.)

The Collector of Customs, Karáchi, is authorized to allow returned empty aërated water bottles to be re-imported free of duty without insisting on strict proof of actual identity, so long as he is satisfied that the re-imports are not greater than the exports, and that the bottles bear the name of a manufacturer of aërated waters in Karáchi. Similar arrangements are also sanctioned for Bombay. (G. R. No. 2162 dated 10th March 1896.)

20. Customs duty is leviable on old copper sheathing taken from the bottom of a ship from a foreign port. But where it can be proved that the ship from which the old copper has been removed was last coppered in this country, it may be assumed, for the purposes of the Custom House, that the copper has already paid puty, and it may be allowed re-importation as old copper free of duty, even though more accurate identification of the copper, as duty paid copper, is not forthcoming. But exemptions shall not be allowed in cases in which any drawback may have been given. (G. I., F. & C., No. 383, dated 6th May 1880; *vide* G. R. No. 2733, dated 26th idem.)

21. With reference to the question whether salt used for packing hams, bacon and other salted provisions imported by sea is liable to duty, the Government of India have decided that, except where the salt is declared by the appraiser to be in trifling quantity and unmerchantable, in which case it need not be noticed by the Custom House, duty should be taken on the declared quantity verified by the appraiser, and a special pass should be given to the importer for the protection of the salt. In case the importer objects to pay the duty, the salt should be destroyed in the presence of Customs officers. (G. I., F. & C., letter No. 46-S., dated 20th February 1883; *vide* G. R. No. 2031, of 10th March 1883).

22. With reference to the importation of fruits preserved in spirit, the Government of India remarks as follows:—

> Fruit preserved in brandy or cordials is so costly on importation into India, that it would not be profitable to import it for the purpose of defrauding the revenue by the admission duty free of the spirit in which the fruit is preserved. The form of fraud to be guarded against is the attempt to pass free bottles containing spirit with little or no fruit in them. It is possible that the chances of this form of fraud being practised may be greater now, when most articles are free, than when preserved fruit was liable to a duty of 5 per cent. *advalorem* and Customs officers were stricter in the examination of packages.

person in British India, and that therefore the proviso in the Tariff Act under which the difference between specific and *ad valorem* duty may be refunded was not applicable to the case of persons who residing out of British India purchase arms for their personal use from an importer or seller in British India. It was decided that when it might be considered politic or desirable in any particular case to allow a refund to a foreign ruler, a specific reference should be made to the Government of India in the Foreign Department.

The principle of that ruling must be held to apply to all cases of arms purchased for the private use of persons residing in Native States as well as in States beyond the Indian frontier, and the procedure prescribed should be applied to all such cases, no certificate being granted by Political Authorities except in cases where, as a matter of courtesy, it is considered expedient to allow a refund on arms (other than military arms) purchased for his own private use by the Chief or any notable of the State.

These orders should not be held to apply to the Hyderabad Assigned Districts. (G. I., F. & C., Nos 469, dated 26th April 1884, 4106, dated 26th July 1888, and No. 8-S., dated 6th January 1892 ; *vide* G. Rs. Nos. 3973, dated 17th May 1884, 5616, dated 18th August 1888, and 480, dated 22nd January 1892.)

29. The orders contained in the letter from the Government of India, No. 4106, dated 26th July 1888 (*vide* Government Resolution No. 5698, dated 20th August 1888) do not apply to the case of European British subjects residing in Native States, and who are lawfully entitled under the Arms Act to possess arms if residing in British India. They should be allowed a refund of duty on a certificate from Political Officers as heretofore.

2. It is not desirable to make any difference in this respect between European British subjects and those classes who are in other respects treated in the same way under the Arms Act rules, and the concession regarding the refund of the difference between the specific and *ad valorem* duty on arms purchased for the private use of European British subjects residing in Native States applies to all Europeans, Eurasians, Armenians, &c., who are natural born or naturalized subjects of Her Majesty.

(G. I., F. & C., Nos. 53-S., dated 15th February 1889, and 3457, dated 8th July 1889; *vide* G. Rs. Nos. 1738, dated 4th March 1889, and 5397, dated 27th July 1889.)

30. The Commissioner of Customs, Bombay, and the Commissioner in Sind should submit direct to the Government of India quarterly returns of refunds of the duty on arms and ammunition purchased by Princes and others residing in Native States, for their own private use, from importers in British India. (G. I., F. & C., No. 15-S., dated 10th January, 1885 ; *vide* G. Rs. Nos. 1035, dated 4th February 1885, and 6053, dated 25th July 1885.)

31. On the application of the Presidency Post Master, the Customs authorities may refund the Customs duty charged on foreign parcels which had been returned to the sender on account of the addressee not being found. (G. R. No. 5059, dated 19th July 1890.)

32. Foreign Consuls in Her Majesty's Dominions are not entitled to the immunities and exemptions from Imperial Customs duty granted to members of the diplomatic service. (G. I., F. & C., No. 96-S., dated 11th March 1891; *vide* G. R. No. 2293, dated 1st April 1891, and G. I., For. Dept., No. 2216-I., dated 27th May 1891; *vide* G. R., P. D., No. 4806, dated 17th June 1891.)

33. Exporters of rice from a British Customs port to any district above the Ghâts *vid* Marmagoa and the West of India Portuguese Guaranteed Railway can obtain a refund of the export duty paid by them on production to the officer in charge of the Custom House at the port from which the consignment was exported within one month from the date of export of a certificate from the Customs Manager at Castle Rock that the consignment has been re-imported into British territory.

2. An exporter wishing to claim a refund under this notification must, as soon as his consignment arrives at Castle Rock, present to the Customs Manager, along with the import application prescribed under Section 8 of the Land Customs Act, the receipt for the duty paid on the consignment and the shipping bill granted at the port of export.

3. The consignment will then be compared with the entries in these documents specifying its weight and the number and description of the packages containing the rice, and if found to correspond, the Customs Manager will retain the shipping bill and endorse on the receipt for the duty paid a certificate that the consignment to which it relates has been passed through the Custom House.

4. No refund can be granted on a portion of a consignment which has broken bulk *en route*.

(G. N. No. 6290, dated 3rd August 1892.)

34. Exporters of rice from a British district above the Ghâts to Marmagoa *vid* Castle Rock and the West of India Portuguese Guaranteed Railway for importation at any British Customs port can obtain a refund of the export duty paid by them on production before the Customs Manager at Castle Rock, within two months from the date of export from Castle Rock, of a certificate from the officer in charge of the Custom House at the port at which the consignment was imported that the consignment has been re-imported into British territory.

2. An exporter wishing to claim a refund under this notification must, as soon as his consignment arrives at the port of import, present to the officer in charge of the Custom House, along with the bill of entry or import application prescribed under Sec-

tion 86 of the Sea Customs Act, a certificate from the Customs Manager at Castle Rock containing a description of the consignment and an acknowledgment of the receipt of the duty.

3. The consignment will then be compared with the entries in those documents specifying its weight and the number and description of the packages containing the rice, and if found to correspond, the officer in charge of the Custom House will endorse on the certificate a declaration that the consignment to which it relates has been passed through the Custom House.

4. No refund can be granted on a portion of a consignment which has broken bulk *en route*.

(G. N. No. 3981, dated 31st May 1893.)-

35. Fire-arms landed by officers of steamers and square-rigged vessels lying in harbour when proceeding on short shooting excursions should be exempted from Customs duty, provided that the arms are landed solely for the use of the officers landing them, that they are re-shipped within a month from the date of landing, and that a deposit equal to the amount of duty on them is paid into the Customs House. (G. Rs. Nos. 8057, dated 11th October 1892, and 9305, dated 26th November 1892.)

VII.—DRAWBACKS.

1. Under Section IV of Act* VI of 1863 (The Consolidated Customs Act), His Excellency the Governor in Council directs that all drawback bills, payment of which is not applied for within six calendar months from their being notified at the Town Custom House as having been passed by the Civil Pay Master, be cancelled, and that no subsequent payment be made, or claim admitted, on account of the drawback to which such bills relate. The day on which any bill is notified as having been passed is to be included in the period of six calendar months within which payment of it can be claimed. (G. N. dated 9th November 1864.)

* Repealed by Act VIII of 1878.

2. The law not prescribing where the drawback payable under Section 43 of the Sea Customs Act, VIII of 1878, should be paid, it is open to the Government to issue executive orders on the point. On full consideration it seems to the Governor General in Council that it will be most convenient to the person claiming the drawback that it should be paid at the place whence the goods on which the drawback is claimed are shipped from India. (G. I., F. & C., No. 3615, dated 25th August 1891; *vide* G. R. No. 6437, dated 18th September 1891.)

3. In exercise of the power conferred by Section 49, clause (*a*), of the Sea Customs Act, 1878, the Governor General in Council is pleased to declare that gum arabic, gum benjamin, and gum olibanum or frankincense shall not, for the purpose of Chapter VI of the said Act, be deemed to be capable of being easily identified. (G. I., F. D., Notn.

No. 1117, dated 10th June 1881; *vide* G. R. No. 3851, dated 2nd July 1881.)

Note.—On the re-export of the gums mentioned, drawback is not to be granted; *vide* the Government Resolution quoted above.

4. In exercise of the power conferred by Section 49 (*b*) of the Sea Customs Act, 1878, the Governor General in Council is pleased to prohibit the payment of drawback upon the re-exportation of goods to any of the undermentioned foreign ports in India; and in exercise of the power conferred by Section 134 of the said Act the Governor General in Council is also pleased to prohibit at all Customs ports the transhipment of goods liable to Customs duties on importation when such goods are destined for any of the said foreign ports in India; and in exercise of the power conferred by Section 111 of the said Act the Governor General in Council is further pleased to prohibit the shipment for exportation to any of the said foreign ports in India of warehoused goods in respect of which payment of drawback and transhipment are hereby prohibited under Sections 49 and 134 of the said Act, respectively.

List of the foreign ports to which this Notification applies.

In Cutch.

Jakháu.
Koteshvar.
Lakhpat.
Mándvi.
Mundra.
Rohar.
Túna.

In Káthiáwár.

Beri.
Bhorai.
Chorvad.
Jáfarabad.
Jinjura.
Jodiya.
Kathiwadár.
Mádhavpur.
Mahuva.
Mángrol.
Miáni.
Navabandar (under Junágad).
Navabandar (under Navánagar).
Navibandar.
Pimpawao.
Porbandar.
Satiya.
Sundrai.
Sutrapara.
Talája.
Verával.
Wawanya.

In Káthiáwár—contd.

Foreign European Ports.

Diu, Goa and Damaun.

(G. I., R., A. & C., Notn. No. 77, dated 7th May 1879, and G. of I. Notn. No. 5427 S. R., dated 15th November 1895; *vide* G. Ns. Nos. 2568, dated 14th, and 2691, dated 21st idem.)

5. Section 50, clause (*a*), of the Sea Customs Act, 1878, by its terms applies only to cases in which export manifests are required. Where no export manifest is required, that provision is inapplicable. (G. R. No. 7892, dated 6th October 1881.)

VIII.—ARRIVAL AND ENTRY OF VESSELS INWARDS.

*C. of Section 53 of the Sea Customs Act, 1878.

1. Under the provisions of Section XXXIII* of Act VI of 1863, it is hereby notified for general information that the following stations at each of the ports and rivers within the limits of the

Northern Division have been fixed as those beyond which it shall not be lawful for any vessel arriving from any foreign port to pass, until the master or commander thereof shall have delivered to the officer of Customs a report or manifest :—

At Kolak.

The landing place near the Custom House.

At Umarsári.

The landing place near the Custom House.

At Bulsár.

The bandar at Bhangra.

At Mátvad.

The landing place near the Custom House.

At Surat.

The Nowri or Steamer Bandar.

At Bhagva.

The landing place near the Custom House.

At Broach.

The landing place near Byramshaw's Cotton Ginning House.

At Dehej.

The landing place near the Custom House.

At Tankari.

The wharf at the bandar.

At Degám.

The landing place near the Custom House.

At Gogha.

The Custom House chauki at the bandar.

At Bavliári.

The landing place near the Custom House.

At Khun.

The site of the post of the harbour light at the bandar.

(G. N. dated 19th February 1868; *vide* G. R. No. 664 of the same date.)

2. Under the provisions of Section* XXXIII of Act VI of 1863, it is hereby notified for general information that the following places at each of the ports and rivers within the limits of the Southern Division have been fixed as those beyond which it shall not be lawful for any vessel, arriving from any foreign port, to pass, until the master or commander thereof shall have delivered to the officer of Customs a report or manifest:

*Cf. Section 53 of the Customs A 1878.

TA'LUKA UMBARGAON.

At Kalai.

On the sea side near the road on the north and opposite to the Custom House.

At Maroli.

In shoal water near the mouth of the creek and opposite to the Custom House.

At Umbargaon.

Near the tower opposite to the Custom House.

At Gholvad.

At the mouth of the creek.

TA'LUKA TA'RA'PUR.

At Dáhánu.

Opposite the Custom House.

At Túrapur.

Opposite the Custom House.

At Olivára Navápur.

Near the Navápur Custom House.

At Sátpáti.

Near the Custom House.

At Mahim.

Near the mouth of the creek opposite the Custom House.

At Kelva.

Near the tower at the mouth of the creek.

At Dántivra.

The landing place opposite the Custom House.

TA'LUKA BASSEIN.

At Arnálla.

Opposite the Custom House.

At Bassein.

Near the beacon.

TA'LUKA GHODBANDAR.

At Utan.

Opposite the Custom House.

At Manori.

In front of the Custom House.

At Vesáva.

Opposite the Custom House.

At Bándra.

At the mouth of the creek.

TA'LUKA TROMBAY.

At Mahul.

Opposite the Custom House.

At Trombay.

Opposite the light beacon.

At Bhándup.

At the mouth of the creek.

At Thána.

Opposite the lights at the Chendni Bandar.

TA'LUKA URAN.

At Mora.

The anchorage ground from the pier to the Custom House.

At Karanja.

The anchorage ground from the pier to the village of Chemburpadda.

At Sheva.

The anchorage ground in front of the Custom House.

TA'LUKA PANVEL.

At Panvel.

The anchorage ground near the pier.

At Belápur.

The landing place near the Custom House.

At Khairna.

The landing place west of the Custom House.

TA'LUKA SANKSE.

At Antora.

The landing place near the Custom House inside the khári.

At Nágothna.

The landing place near the Custom House and pier.

TA'LUKA ALIBA'G.

At Alibág.

The landing place near the Custom House.

At Thal.

The landing place near the Custom House.

At Revas.

The usual landing place.

At Revdánda.

The landing place near the Custom House inside the khári.

TA'LUKA RA'JPURI.

At Thal Khári.

The usual landing place near the Custom House inside the khári.

TA'LUKA BA'NKOT.

At Bánkot.

The landing place near the Custom House.

At Kelsi.

The anchorage ground near the Custom House inside the khári.

At Harnai.

The anchorage ground south of the "Kunka" Fort.

TA'LUKA ANJANVEL.

At Anjanvel.

The wharf at the bandar.

At Borya.

The landing place near the Custom House.

At Jaygad.

The landing place near the Custom House.

At Ratnágiri.

The landing place near the Custom House.

At Purangad.

The landing place near the Custom House.

TA'LUKA VIZIA'DURG.

At Jaitápur.

The landing place near the Custom House.

At Viziádurg.

The landing place near the Custom House.

TA'LUKA MA'LVAN.

At Devgad.

The landing place near the Custom House.

At A'chra.

The wharf at the bandar.

At Mālvan.

The wharf at the bandar.

TA'LUKA VENGURLA.

At Nivti.

The landing place near the Custom House.

At Vengurla.

The wharf at the bandar.

At Redi.

The landing place near the Custom House.

TA'LUKA *Vádi.*

At Kirnapáni.

The landing place near the Custom House.

TA'LUKA HONORE.

At Honore.

The landing place at the wharf near the Custom House inside the khári.

At Kumta.

The anchorage ground at the mouth of the khári.

At Murdheshvár.

The landing place near the Custom House.

At Shirali.

The landing place near the Custom House.

At Bhatkal.

The landing place near the Custom House.

TA'LUKA ANKOLA.

At Tadri.

The landing place near the Custom House inside the khári.

At Gangávali.

The landing place near the Custom House inside the khári.

At Ankola.

The landing place near the Custom House.

At Chendia.

The landing place at Allegady near the Custom House.

TA'LUKA KA'RWA'R.

At Kárwar.

The iron pier and the wharf near it.

At Sadashivgad.

The landing place near the Custom House.

(G. N., dated 3rd August 1870; *vide* G. R. No. 3720 of the same date.)

3. In exercise of the power conferred by Section 53 of the Sea Customs Act, 1878, the Governor in Council is pleased to direct that no vessel entering the port of Aden shall enter the outer harbour until a manifest has been delivered to the pilot or to the Superintendent of A'bkári, who is hereby authorized to receive the same. (G. N. No. 1797, dated 27th February 1884.)

4. The inclusion of undutiable stores in the list of ships' stores required by Section 55 of the Sea Customs Act, VIII of 1878, need not be insisted upon. (G. I., F. & C., No. 4426, dated 28th October 1882; *vide* G. R. No. 7950, dated 14th November 1882.)

5. The following rule made by the Commissioner of Customs, Bombay, with the sanction of His Excellency the Governor of Bombay in Council, in exercise of the power conferred by Section 9 (*c*) of the Sea Customs Act, 1878, is published for general information:—

In the case of any steamer or square-rigged vessel arriving at any Customs port in the Presidency of Bombay, directly from and proceeding directly to foreign ports not on the continent of India, the officer in charge of the Custom House may, in his discretion and subject to the proviso hereinafter contained, permit all goods intended to be taken on to another port to be lumped together in the import and export general manifests in one or more entries according to general description and destination instead of being shown in detail as at present:

Provided that this rule shall not apply to dutiable or restricted articles such as those named in the margin or to any goods the import or export of which is prohibited or restricted under Section 18 of the Sea Customs Act, 1878, or any other law for the time being in force; and that the master or agent of the vessel shall be bound to furnish full particulars of all packages containing any such articles or goods according to marks, numbers and description as at present.

Rice, arms, ammunition and military stores; liquors of all kinds; medicines, chemical preparations and perfumes containing spirit; provisions preserved or packed in spirit or salt; opium; explosives (as defined in the Indian Explosives Act, 1884); petroleum (as defined in the Petroleum Act, 1881).

(G. N. No. 2935, dated 7th April 1884.)

6. In exercise of the power conferred by Section 9 (*c*) of the Sea Customs Act, 1878, the Commissioner of Customs, Bombay, with the sanction of His Excellency the Governor of Bombay in Council, is pleased to make the following rules for carrying out the provisions of Section 55 of the said Act, *viz.* :—

1. In specifying in the import general manifest, as required by Section 55 of the Sea Customs Act, all goods intended to be landed at the port of Bombay from any steamer or square-rigged vessel arriving from a foreign port, it shall be sufficient to describe the contents of packages which contain a variety of free and unrestricted goods covered by one bill of lading under one or more general heads, but a description which does not indicate the class or character of the goods shall not be deemed to be sufficient.

2. The preceding rule shall not apply to packages the contents of which consist wholly or partly of dutiable or restricted goods. All the goods contained in such packages shall be specified in the import general manifest in full detail.

3. For the purposes of these rules the goods specified in the margin and all articles of which the import is prohibited or restricted under Sections 18 and 19 of the Sea Customs Act or under any other law for the time being in force shall be deemed to be "dutiable or restricted goods." All other goods shall be deemed to be "free and unrestricted goods."

Rice, arms, ammunition and military stores; liquors of all kinds; medicines, chemical preparations and perfumes containing spirit; provisions, preserved or packed in spirit or salt; opium, salt, tobacco; explosives, (as defined in the Indian Explosives Act, 1884); petroleum (as defined in the Petroleum Act, 1886).

(Commissioner of Customs Notification No. 4362, dated 23rd August 1892; *vide* G. R. No. 6615, dated 17th idem).

IX.—ENTRY OUTWARDS, PORT CLEARANCE AND DEPARTURE OF VESSELS.

1. Rules for regulating the entry and clearance outwards of native craft in the port of Bombay have been made by the Commissioner of Customs with the sanction of His Excellency the Governor in Council in exercise of the power conferred by Section 9, clause (*c*) of the Sea Customs Act, 1878, and are hereby notified as required by Section 204 of the said Act :—

(1) Outward entry of native craft shall in no case be allowed at either the Town Customs House for foreign ports or at the Prince's Dock, Máhim, or Arthur Bandar Custom Houses for Customs ports without presentation of the duplicate import general manifest, on which the Index Clerk of the Custom House concerned will note the words "Loading for a Foreign Port" or "Loading for a Customs Port" as the case may be, and initial the entry.

(2) The tindal or agent of a native craft which has once entered outwards at either the Prince's Dock, Máhim or Arthur Bandar Custom Houses for a Customs port desiring to load for a foreign port also, shall, before commencing to load for a foreign port, give intimation of his intention to do so, and again present his duplicate import general manifest to the Index Clerk at the Custom House at which the vessel was in the first instance entered outwards for the Customs port.

(3) The Index Clerk will then close the outwards entry for the Customs port and make a note as to his having done so alongside the previous entry on the duplicate import general manifest, and return it to the tindal or agent of the vessel after initialling the note.

(4) The vessel if loading at the free anchorage may then be removed to the dutiable anchorage, or if loading at a wharf at which the shipment of goods for both Customs and foreign ports is not permitted, to the wharf at which the goods for the foreign port are to be shipped, and on arrival at the former, the tindal or agent of the vessel shall present the duplicate import general manifest to the officer in charge of the anchorage, or at the latter to the Wharf Officer, who will certify thereon that the vessel has taken up her proper berth at the anchorage or wharf, as the case may be, and return it to the tindal or agent of the vessel.

(5) The tindal or agent of the vessel will then present the duplicate import general manifest to the Index Clerk, Export Department Town Custom House, who will enter the vessel outwards for the foreign port. Passes will then be granted by the Assistant Collector in charge of that Department for goods to be shipped to the foreign port, for which port the vessel may then commence loading.

(6) On the entry outwards for a Customs port being closed at either of the abovenamed Custom Houses, no further passes will be granted for the Customs port, and all those which may have been granted before, will be forwarded to the Export Department, Town Custom House, where port clearance will be granted to the vessel, and the whole of the cargo for all ports will be included in a single export general manifest.

(7) Native craft which have once entered outwards at the Town Custom House for a foreign port need not enter at either of the other Custom Houses in the event of their desiring to take cargo for a Customs port also, but may complete their loading at the Town Custom House.

(G. N. No. 7573, dated 5th October 1883.)

2. The following is the form of declaration under clauses (*c*) and (*d*) of Section 64 of the Sea Customs Act, 1878. This declaration, which it is understood would not be made on oath or affirmation before any

person authorized to administer an oath, does not require to be stamped :—

I (or we).....Agent of the (Steam) Ship..... .....in consideration of port clearance being granted to the said vessel hereby declare under Section 64 of Bombay Act VIII of 1878 that (1) I (or we) am (or are) liable for any penalty imposed under Section 167, No. 17, with respect to any goods entered in the import manifest of the said vessel and am (or are) answerable for the discharge of all claims for damage or short delivery which may be established by the owner of any goods comprised in the import cargo in respect of such goods.

Declared this day of

(Solicitor to Government, No. 1259, dated 16th December 1891; *vide* G. R. No. 631, dated 27th January 1892.)

3. The following is the form of agreement to be entered into by agents of ships with the Collector of Customs in consideration of port clearance :—

I (or we) Agent (or Agents) of the (Steam) Ship.....in consideration of port clearance being granted to the said vessel hereby agree with the Collector of Land Revenue, Customs and Opium, Bombay, as follows :—

(1) To deliver to the Collector of Customs, Bombay, within five days from the date of grant of port clearance to the said vessel the manifest and shipping bills or other documents required in accordance with Section 63 of Bombay Act VIII of 1878, and in the event of failure on my (or our) part to produce such manifest and shipping bills or other documents as aforesaid within the said period to pay to the said Collector of Customs the sum of Rs. 50 on demand.

(2) To clear the import general manifest of the said vessel within four months from the date of entry inwards of the said vessel and in the event of my (or our) failure to do so within the period aforesaid to pay to the Collector of Customs the sum of Rs. 50 on demand.

(3) To pay all port dues and other charges and penalties due or to become due by such vessel or by the owner or master thereof and all duties payable in respect of any goods shipped therein.

(4) It is hereby agreed that any sum or sums due by me (or us) under this agreement may be deducted from any monies to be deposited by us as security for due performance of this agreement.

(G. R. No. 631, dated 27th January 1892.)

X.—GENERAL PROVISIONS AFFECTING VESSELS IN PORTS.

1. As regards the question as to whether the Collector of Sea Customs can exercise supervision

over the transhipment of ballast, the Government of India is advised that the word 'goods' in Sections 70 and 136 of the Sea Customs Act, 1878, certainly includes "ballast", and as the transhipment of goods necessarily involves their being discharged and water-borne or shipped, those sections (whatever view be taken of the application of Sections 123—134 of the Act) provide sufficiently for the necessary supervision of the transhipment of ballast not urgently required for a vessel's safety. (G. I., F. & C., No. 91, dated 11th January 1881; *vide* G. R. No. 368, dated 18th idem.)

2. In exercise of the powers conferred by Section 75 of the Sea Customs Act, VIII of 1878, the Governor of Bombay in Council is pleased to direct that a fee of one anna and a half shall be chargeable on every package and on every parcel made over to an officer of Customs for the purpose of being landed.

(G. N. No. 4437 D, dated 25th May 1892.)

Note.—This notification is also applicable to Sind; *vide* G. Rs. Nos. 4437, dated 25th May 1892, and 6680, dated 19th August 1892.

3. The following rules made by the Commissioner of Customs, Bombay, with the sanction of His Excellency the Governor in Council, under Section 9 (*c*) of the Sea Customs Act, 1878, for carrying out the provisions of Section 76 of the said Act respecting boat-notes are published for general information:—

1. Forms of boat-notes will be supplied by the Customs Department gratis. Only forms so supplied shall be used for boat-notes.

2. Boat-notes for goods to be landed in cargo-boats from native craft stationed at the dutiable anchorage will be furnished by the Customs officer at the anchorage, to whom application therefor must be made before a cargo-boat containing such goods leaves the anchorage.

3. Boat-notes for goods to be shipped into vessels at the dutiable or free anchorages shall be presented to the Customs officer at those anchorages for endorsement before the goods are shipped.

4. (1) When it is desired to keep afloat goods which have been discharged from any vessel pending their being reshipped or landed, the cargo-boat containing such goods shall be taken to the bandar named in the boat-note, and the boat-note shall be shown to the Customs officer at the said bandar and his permission shall be obtained, with reference to Section 77 of the Act, to the goods being kept afloat.

(2) The boat-note shall be kept on board by the person in charge of the cargo boat to cover the goods until they are reshipped or landed.

(3) If the goods are reshipped, the boat-note shall be again shown to the officer aforesaid, together with the necessary permit to reship; and his endorsement shall be obtained thereon before the boat leaves the wharf.

(Notification by the Commissioner of Customs, No. 2742, dated 10th June 1892 ; *vide* G. R. No. 4437, dated 25th May 1892.)

* Cf. Section 79 of the Sea Customs Act VIII of 1878.

4. His Excellency the Governor in Council is pleased to declare under Section 161* of Act VI of 1863 that from and after the 1st April 1877 no boat which shall not have been duly licensed and registered shall be allowed to ply as a cargo-boat for the landing and shipping of merchandise within the limits of the port of Aden. (G. N., dated 23rd December 1876; *vide* G. R. No. 7560 of the same date.)

5. In exercise of the power conferred by Section 79 of the Sea Customs Act, 1878, and in supersession of the notification of 19th April 1865, published under Section 161 of Act VI of 1863 at page 686 of the *Bombay Government Gazette* of 20th April 1865, the Governor of Bombay in Council is pleased to declare that after the 1st day of June 1892 no boat, not duly licensed and registered in accordance with the rules for the time being in force under the said section, shall be allowed to ply as a cargo-boat for the landing and shipping of merchandise within the limits of the port of Bombay. (G. N. No. 4437-F., dated 25th May 1892.)

6. In exercise of the power conferred by Section 79 of the Sea Customs Act, 1878, and in supersession of all previous rules on the same subject, the Governor of Bombay in Council is pleased to prescribe the following rules and fees for the granting of licenses for cargo-boats in the port of Bombay, *viz.* :—

1. Licenses for cargo-boats or barges may be granted by the Collector of Customs on an application accompanied by the certificate of registry granted under Act XIX of 1838.

2. A fee of Rs. 3 shall be charged for each license, and each license shall be renewable annually on payment of the same fee, and shall be in the following form, *viz.* :—

(Royal Arms.)

CARGO-BOAT LICENSE.

In force for one year from date of issue.

Branded and Painted No.

Bombay Custom House, _____ 189 .

No. ____ OF 189 .

Whereas _____ has applied for a license for cargo-boat _____ branded and painted No. _____ of _____ Bombay Khandis _____ tons burthen, and registered under No. _____ by the _____ of the Port _____ The said boat is hereby permitted, under Section 79 of the Sea Customs Act (VIII of) 1878, to land and ship merchandise in this port. Given under my hand and seal, this _____ day of _____ 189 .

Collector of Land Revenue,
Customs and Opium, Bombay.

Superintendent, Preventive Service.

Authorized Fee—Rs. (3) three.

[On the reverse.]

Extract from the Rules relating to Cargo-boats in the Port of Bombay, framed by the Government of Bombay.

"4. Immediately after a license is granted, and before plying for hire, the cargo-boat or barge must have the letters C. B. painted upon the bows in white letters a foot long on a black ground or in black letters on a white ground.

"5. The license must be produced whenever demanded, and must be kept on board the boat or barge in the custody of the tindal or crew for the time being.

"6. Cargo-boats or barges, the licenses for which are not produced when demanded, will be treated as unlicensed, unless good cause to the contrary is shown.

"7. The license will be cancelled or suspended if the boats or barges for which they have been issued be found concerned in a breach of the Customs Act or rules, or for a breach of these rules."

3. The boat or barge for which license is applied shall be submitted for survey by such officer of Customs as the Collector of Customs may depute for the purpose, and no license will be granted unless the boat or barge is certified by such officer to be quite seaworthy and well found.

4. Immediately after a license is granted, and before plying for hire, the cargo-boat or barge must have the letters C. B. painted upon the bows in white letters a foot long on a black ground or in black letters on a white ground.

5. The license must be produced whenever demanded and must be kept on board the boat or barge in the custody of the tindal or crew for the time being.

6. Cargo-boats or barges, the licenses for which are not produced when demanded, will be treated as unlicensed, unless good cause to the contrary is shown.

7. The licenses will be cancelled or suspended if the boats or barges for which they have been issued be found concerned in a breach of the Customs Act or rules or for a breach of these rules.

(G. N. No. 4437-G., dated 25th May 1892.)

7. In exercise of the power conferred by Section 79 of the Sea Customs Act, VIII of 1878, and in supersession of notification dated 30th November 1863, issued under Section 162 of Act VI of 1863 and published at page 1380 of the *Bombay Government Gazette* dated 3rd December 1863, the Governor in Council is pleased to declare that, after the date of this notification, no boat shall be allowed to ply as a cargo-boat for the landing and shipping of merchandise within the limits of the Port of Karāchi, unless duly licensed and registered in accordance with the rules for the time being in force under the said section.

The Governor in Council is also pleased to prescribe the following rules and fees for the granting of licenses for cargo-boats in the port of Karáchi, namely :—

(1) Licenses for cargo-boats may be granted by the Collector of Customs, Karáchi, on an application accompanied by certificates of registry granted under Act XIX of 1838 and by survey certificates from the Port Officer.

(2) A fee of Rupees 3 shall be charged for each license, and each license shall be renewable annually on payment of the same fee and shall be in the subjoined form.

(3) Immediately after a license is granted and before plying for hire, the cargo-boat must have the letters C.B. painted upon the bows in white letters a foot long on a black ground or in black letters on a white ground.

(4) The license must be produced whenever demanded, and must be kept on board the boat in the custody of the tindal or crew for the time being.

(5) The license may be cancelled or suspended if the boat for which it has been issued be found concerned in a breach of the Customs Act or rules, or for a breach of these rules.

(6) Any license granted under Section 79 of Act VIII of 1878 may be suspended or withdrawn at any time by the Collector of Customs, and such license shall be inoperative during suspension. No reason for withdrawal or suspension of the license need be given by the Collector of Customs.

(Royal Arms)

CARGO-BOAT LICENSE.

In force for one year from date of issue

Branded and Painted No.____

*Karáchi Customs House,*_____189 .

No.____OF 189 .

Whereas_____ has applied for a license for cargo-boat_____ branded and painted No._____ of_____ Khandis or_____ tons burthen, and registered under No._____ by the_____ Karáchi; the said boat is hereby permitted, under Section 79 of the Sea Customs Act, VIII of 1878, to land and ship merchandise in this Port. Given under my hand and seal this_____ day of_____ 189 .

Collector of Customs.

Authorized fee—Rs. (3) three only.

Extract from the Rules relating to Cargo-boats in the Port of Karáchi, framed by the Government of Bombay.

"(3) Immediately after a license is granted and before plying for hire the cargo-boat or bargo must have the letters C.B. painted upon the bows

in white letters a foot long on a black ground or in black letters on a white ground.

"(4) The license must be produced whenever demanded and must be kept on board the boat or barge in the custody of the tindal or crew for the time being.

"(5) The license will be cancelled or suspended if the boats or barges for which they have been issued be found concerned in a breach of the Customs Act or rules or for a breach of these rules."

(G. N. No. 6315-B, dated 25th August 1897.)

XI.—DISCHARGE OF CARGO AND ENTRY INWARDS OF GOODS.

1. With a view to simplifying and curtailing the work of the Bombay Customs Department, His Excellency the Governor in Council is pleased to sanction the following arrangements by the Chief Customs Authority in supersession of existing practice * * *

(1) Duty bills are to be dispensed with, and in lieu thereof importers will be required to submit their import private manifest in triplicate in accordance with the form to be obtained from the Deputy Commissioner of Customs, P. D. The original and duplicate of the manifest will be dealt with as at present, and the triplicate after having been signed by the Deputy Commissioner of Customs will be handed to the importer as a receipt for the payment of the duty, and will be treated in all respects as the duty bill in cases of application for drawback, refund, &c.

(2) The import entries for free goods imported in country craft from free ports are to be dispensed with, no other check being substituted for them.

(G. R. Nos. 2019, dated 29th May 1867 and 2293, dated 19th June 1867.)

2. Under the provisions of Section 1 of Act XVII† of 1869 the Right Honourable the Governor in Council is pleased to order that the period to be allowed to importers, owners, or consignees for landing goods after the entry of the vessel importing the same, shall be as follows :—

†Cf. Section 83 of Act VIII of 1878.

In the case of a ship, at any time within 72 hours (exclusive of Sundays and holidays) after the report of the ship. In the case of a steamer, at any time within 48 hours after the report of the steamer.

(G. N. dated 24th November 1869.)

3. In exercise of the power vested in the Government of Bombay by Section 85 of the Sea Customs Act, No. VIII of 1878, His Excellency the Governor of Bombay in Council is pleased to declare that, on and after the date of publication of this notification, the provisions of Section 85 of the Sea Customs Act, 1878, shall be applicable

to the port of Bombay. (G. N. No. 570, dated 3rd February 1879.)

4. In exercise of the power vested in the Government of Bombay by Section 85 of the Sea Customs Act, No. VIII of 1878, His Excellency the Governor of Bombay in Council is pleased to declare that on and after the date of publication of this notification the provisions of Section 85 of the Sea Customs Act, 1878, shall be applicable to the port of Karáchi. (G. N. No. 7450, dated 24th October 1882.)

*Cf. Section 88 of Act VIII of 1878

5. Under the provisions of Section 57* of the Consolidated Customs Act, VI of 1863, it is not competent to the Customs authorities to send to England for sale by public auction goods not cleared within the period therein mentioned. (G. I., For. Dept., No. 2778-P., dated 16th December 1874; *vide* G. R. No. 251, dated 15th January 1875.)

6. The following opinion of the Solicitor to Government, No. 1238, dated 30th August 1880, was communicated to the Collector of Customs, Bombay, and the Commissioner of Customs for information and guidance:—

"The S. S. 'V.' landed on the 23rd of March last in excess of her manifest some packages. They were not consigned to any one in Bombay, and it appears, from Messrs. * *'s letter of the 9th instant, that the articles were probably put on board the 'V.' by mistake. The four months having expired within which under Section 88 of Act VIII of 1878 the goods should have been claimed, and no claim having been made, the Commissioner of Customs, &c., propo es to sell them in the manner authorized by the Act. Messrs. * * have applied to have the goods delivered to them on their giving indemnity to the Custom House for so doing. The plea put forward by Messrs. * * for the goods being delivered to them as the agents for the owner of the ship, *viz.*, to help to recoup the owner the payments made on account of short deliveries of other parts of the cargo, is in my opinion not a good one. As the packages in question were not consigned to any one, and as they came from on board the S. S. 'V.', I think the owner of the steamer might have laid claim to them as his property; but this he has not done. I think, therefore, the safest course to pursue will be for the Customs Authorities to sell the goods and after payment of the expenses, &c., authorized by the Act the surplus (if any) might be paid to Messrs. * * as agents for the owner of the ship, on their giving an undertaking to hold Government harmless for so doing.

"If the goods in question had been consigned to some person, but the consignee had not come forward to take delivery of them, I would have advised that Messrs. * *'s claim should be rejected altogether, as there would not in that case be any ground for considering them or the person they represent as the owners of the goods.

"In reply to the 8th paragraph of the letter of the Collector of Customs and Opium dated the 10th instant, I think that any undertaking not in the nature of a bond should be stamped as an agreement with an eight-annas stamp, and that Messrs. * * should be required to pay the stamp duty and all the legal expenses of preparing the indemnity according to the usual practice in such cases."

(G. R. No. 4746, dated 9th September 1880.)

XII.—WAREHOUSING.

1. The following rule made by the Commissioner of Customs, Bombay, with the sanction of His Excellency the Governor of Bombay in Council, in exercise of the power conferred by Section 9 (*c*) of the Sea Customs Act, 1878, is published for general information :—

> Under Section 93 and clause 41 of Section 167 the Sea Customs Act, 1878, three days are hereby fixed as the time within which goods for the warehousing of which a bond has been executed shall be carried into the warehouse. The period of three days shall count from the date on which the order has been granted to warehouse such goods, and shall not include Sundays and holidays.

(G. N. No. 1029, dated 15th February 1888.)

2. The following rule made by the Commissioner of Customs under Section 9 of the Sea Customs Act, 1878, with the sanction of Government is published for general information, *viz.* :—

> Liquors in wood which are removed from a bonded warehouse for shipment shall, before shipment, be gauged, and import duty shall be charged on any deficiency in excess of such allowance as would be made under Sections 116 and 117 of the Sea Customs Act, 1878, if such liquors were cleared for home consumption.

(G. N. No. 3301, dated 23rd May 1888.)

3. Although Section 100 of the Sea Customs Act would seem from its wording to have been drawn with special reference to the ordinary case of a portion only of the goods in bond being found on examination and sorting to have become damaged, it is obvious that it should apply also where the whole is found to be damaged. (G. I., F. & C., No. 2748 dated 13th September 1879 ; *vide* G. R. No. 5236, dated 30th idem.)

The Governor General in Council agrees in the opinion of the Government of Bombay and considers that there is no necessity for allowing the practice of mixing spirit in bond with water in the case of spirit for home consumption. The practice may be permitted in the case of spirit intended for exportation from bond, but not in regard to other spirit. (G. I., F. and C., No. 5303 S. R., dated 6th November 1895 ; *vide* G. R. No. 9276, dated 25th November 1895.)

4. The period to be specified in a bond taken under Section 106 of the Sea Customs Act, 1878, within which the goods in respect to which the bond is taken shall be conveyed to and re-warehoused at the port of destination, shall be determinable in each case at the discretion of the Chief Customs Officer of the port at which the bond may be taken, having regard to the distance between the port of removal and the port of destination, the mode of conveyance and other conditions affecting the duration of the voyage. (G. R. No. 7421, dated 7th December 1881.)

5. The practice, which existed in Bombay of putting in an application for the delivery of goods from bond for home consumption without also depositing the duty as required by Section 110 of the Sea Customs Act was not warranted by the law. Under Section 110, one of the two conditions precedent to clearing the goods is the payment of the duty assessable thereon. The application for leave to clear the goods is, as Section 113 shows, merely ancillary to clearance under Section 110 and would, therefore, expire if not acted on within a reasonable time. Reading together the three Sections 37, 110 and 113, it is clear that no amendment of the law is required, and that the object, which it is desired to attain, can and should be attained under the law as it stands, the Collector refusing to receive an application for permission to clear goods unless the duty payable thereon is tendered therewith, and returning it to the applicant as not having been made in accordance with the law.

If it should be considered desirable, the Chief Customs Authority might, under Section 113, so frame the form of application that it shall require (1) the deposit in the Custom House of the duty payable along with the application, and (2) the clearance of the goods within a reasonable time thereafter. But the insertion of these provisions in the form of application is in no way necessary for the purpose of preventing the practice reported. (G. I., F. & C., No. S.—3269, dated 8th August 1892; *vide* G. R. No. 7130, dated 7th September 1892.)

XIII.—TRANSHIPMENT.

1. In supersession of Government Notification No. 67, dated 6th January 1880, published in the *Government Gazette* Extraordinary of the same date, and in exercise of the power conferred by Section 133 of Act VIII of 1878 (The Sea Customs Act), His Excellency the Governor in Council is pleased, with the previous sanction of His Excellency the Governor General of India in Council, to declare that a fee on opium, not the produce of India imported by sea into the ports of Bombay, Karáchi, Aden or Perim and transhipped in any of the said ports, shall be levied at the following rates on each chest not exceeding 140¼ lbs. avoirdupois net weight:

When the consignment does not exceed 150 chests, at Rs.	...	5 per chest.
From 151 to 300 chests, at Rs.	...	4 „
From 301 to 600 chests, at Rs.	...	3 „
From 601 chests and upwards, at Rs.	...	2 „

Opium on which a transhipment or re-export fee has been levied at one of the said ports shall be exempt from the payment of a transhipment fee at any other of the said ports. (G. Ns. Nos. 221, dated 10th January 1883, and 6718, dated 11th September 1883, and G. N., P. D., No. 7483, dated 18th December 1886.)

Note.—The term "consignment" means the quantity brought in one vessel (G. I., F. & C., No. 66, dated 7th January 1887; *vide* G. R. No. 575, dated 24th idem.)

2. In exercise of the power conferred by Section 130 of the Sea Customs Act, 1878, the Governor in Council is pleased to make the following rule as to transhipment in any port* in the Presidency of Bombay to which the provisions of Section 128 of the said Act are applicable (namely) :—

Leave to tranship any goods of the nature hereinbelow described shall only be given by the Customs Collector, when such goods are destined for any foreign port on the continent of India or any port in Ceylon other than a port included in any Customs union with the British Indian Government, if the vessel into which such goods are to be transhipped for conveyance to the said port is propelled by steam.

The goods to which this rule is applicable are dutiable goods and goods in respect of the importation of which into British India some restriction has been placed by or under some enactment at the time in force and the transhipment of which is not subject to special regulations. (G. N. No. 5752, dated 16th July 1884.)

3. In exercise of the power conferred by Section 134 of the Sea Customs Act, 1878, the Governor General in Council is pleased to prohibit the transhipment, under the provisions of Chapter XII of the said Act, at the ports of Bombay and Karáchi, for conveyance to any Customs port, of petroleum which under Act II of 1888 is liable to Customs duty unless and until Customs duty has been paid upon such petroleum at either of the said ports of Bombay or Karáchi. (G. I., F. & C., Notn. No. 2276, dated 2nd May 1888; *vide* G. N. 2922, dated 9th idem.)

XIV.—EXPORTATION OR SHIPMENT AND RELANDING.

4. The following opinion (No. , dated) was recorded by the Honourable the Advocate General as to the legality for the demand made by the Customs Department for the payment of duty a second time upon a consignment which was originally intended to be shipped in one steamer, but which was afterwards shipped in another steamer :—

"I am of opinion that the Customs Department were right in demanding payment of duty a second time upon 28 bags of linseed which were originally intended to be shipped per S. S. *C.* and which were afterwards shipped per S. S. *B.* The shipper by not giving notice of non-shipment within three days from the date of the S. S. *C.* leaving the port, lost all right to recover the refund under Section† 132 of Act VI of 1863, and the amended section in Act X of 1868.

† Cf. Section 110 of Act VIII of 1878.

"The power to amend a shipping bill conferred by Section 191‡, was not intended to be exercised so as to deprive the

‡ Cf. Section 201, *ibid.*

* For rules regarding transhipment in the port of Bombay, *vide* Government Notifications Nos. 6368, dated 30th July 1894, and 7137, dated 28th August 1894, published at pages 771, 772 and 874 of the *Bombay Government Gazette* for 1894.

Government of funds which had already vested in it by the negligence of the shipper. Looking at the way in which the application to amend the shipping bill was made by Messrs. .....and their subsequent protest against payment of a second duty, it would appear as if they intended from the time of the application to make use of the amended document as one on which the duty had been paid, and so evade a payment of second duty to which by their negligence they had become clearly liable by the Act. The Customs Authorities were quite right in refusing to allow the amendment.

"Such an amendment, if made at all after the three days for claiming a refund have expired, should only be made contemporaneously with the receipt of the duty to which the goods are again liable on being shipped."

(G. R. No. 5084, dated 10th October 1872.)

5. In exercise of the power conferred by Section 9 (*c*) of the Sea Customs Act, 1878, and with the sanction of His Excellency the Governor of Bombay in Council the Chief Customs Authority is pleased to make the following rule, *viz.* :—

The presentation of an export shipping bill for cancellation or amendment within the period of five days prescribed in Section 140 of the Act shall be deemed to be equivalent to giving the information required by that section, so far as regards the goods in respect of which such cancellation or amendment is applied for.

(Commissioner of Customs' Notn. No. 2741, dated 10th June 1892; *vide* G. R. No. 4437, dated 25th May 1892.)

Note.—A similar notification was published by the Commissioner in Sind under No. 3565, dated 30th August 1892, at page 218 of the *Sind Official Gazette* of 1st September 1892.)

6. The charge to be levied, under Section 139 of the Sea Customs Act, VIII of 1878, on goods passed through the Customs House after the grant of port clearance to the vessel in which they are to be shipped should in no case exceed one-half per cent. with a maximum of ten rupees. The charge should be levied first and refunded afterwards on sufficient cause being shown. This order should be applied only to shipping bills other than those presented to Preventive Inspectors for vessels loading in the Docks. (G. I., F. & C., No. 4546-S., dated 4th November 1892; *vide* G. Rs. Nos. 9517, dated 5th December 1892, and 7284, dated 6th October 1893.)

XV.—Spirit.

1. The practice hitherto observed for ascertaining the quantity of spirit, *viz*, to assume, with the consent of the importers, that the quantity of spirit in all preparations in which spirit was used, that were found in the British Pharmacopœia, was 20 per cent. and upwards, may be continued. (G. I., F. & C., No. 800, dated 5th May 1882; *vide* G. R. No. 3491, dated 27th idem.)

2. The following rules for the importation of spirit rendered unfit for human consumption under the provisions of Section 155 of the

Notification No. 7574, dated 5th October 1883, published at page 773

of the *Bombay Government Gazette* for 1882, Part I; and

Notification No. 4339 A, dated 1st June 1896, published at page 565 of the *Bombay Government Gazette* for 1896, Part I.

Sea Customs Act VIII of 1878, having been approved by His Excellency the Governor in Council, are published for general information, as required by Section 204 of the Act, in supersession of the Notifications specified in the margin, and shall come into force in three months' time from this date *:

I.—Whenever spirit said to have been rendered unfit for human consumption for which the reduced rate of duty under Schedule III (1) of the Indian Tariff Act, 1896, is claimed, is imported into the port of Bombay or Karáchi, the Collector of Customs at the said port shall (subject always in Karáchi to the provisions of Rule II) respectively send a sample of such spirit to the Chemical Analyser to Government for examination and report at the expense of the importer. After considering the Chemical Analyser's report and other circumstances, if any, bearing upon the case, the Collector will decide whether the claim is to be admitted or not. In the case of importation of such spirit in quantities of ten gallons and less, the Collector of Customs may, however, at his discretion have the spirit examined by a Custom House gauger and determine on the gauger's report whether the spirit shall be admitted at the reduced rate of duty or not.

II.—If the spirit is imported from the United Kingdom and the importer produces a certificate signed by a Customs or Excise Authority of the United Kingdom, and himself makes a declaration on the face of his bill of entry each to the effect that the spirit has been rendered effectually and permanently unfit for human consumption by the admixture of one part by volume of caoutchoucine to 99 parts by volume of the spirit, which shall not be of less strength than 30 per cent. over-proof, such spirit may, if the Collector of Customs after such examination of the spirit as he considers necessary is satisfied with the certificate produced, be admitted on payment of the special *ad valorem* duty.

III.—Whenever imported spirit is to be rendered effectually and permanently unfit for human consumption by officers of the Customs Department, the ingredient to be used for admixture with the spirit shall be caoutchoucine, and it shall be mixed with the spirit in the proportion of one part by volume of the caoutchoucine to 99 parts by volume of the spirit, which shall not be of less strength than 30 per cent. over-proof.

IV.—The admixing of the spirit must be effected and the requisite caoutchoucine must be procured

* 7th September 1898.

by the importer or his agent, or authorized servant, at his own expense.

V.—The caoutchoucine, before its admixture with the spirit, must be tested by the Chemical Analyser to Government, who must certify to the Collector of Customs that it is of the proper strength, fitted, if used in the proportions mentioned in Rule II, effectually and permanently to render unpalatable and unfit for human consumption the spirit with which it is mixed.

VI.—Any expense which may be incurred by the Collector of Customs in rendering spirit unfit for human consumption, or in ascertaining that it has been so rendered, must be paid by the importer before removal of the spirit is allowed.

Notice.

In connection with the above published rules, His Excellency the Governor in Council has been pleased to issue the following instructions for the guidance of the Collectors of Customs at the ports of Bombay and Karáchi :—

The Collector shall ordinarily admit, at the reduced rate of duty prescribed in Schedule III (1) of the Indian Tariff Act, only such spirit as may have been effectually and permanently rendered unfit for human consumption by the admixture of caoutchoucine in the proportion of at least one part by volume of the caoutchoucine to 99 parts by volume of the spirit. The Collector may, however, also admit, specially at the reduced rate of duty, spirit which has been methylated with wood naphtha, if he is satisfied that it is required for a purpose for which caoutchoucined spirits are not suited and that it will be used after admission in such a way that there will be no danger of its passing into consumption as potable spirit.

(G. N. No. 5728, dated 7th September 1898.)

3. Act XVI of 1863, Section 1, provides that 'spirits intended to be used exclusively in arts and manufactures or in chemistry *may* be removed from any licensed distillery in any part of British India' on payment of a special *ad valorem* excise duty of 10* per cent., provided that 'no spirits shall be so removed until they have been effectually and permanently rendered unfit for human consumption.' The section is permissive merely, but excise duty at the special rate prescribed in the Act is only chargeable when spirit is rendered unfit for human consumption before removal from the place of its manufacture.

Section 144 of the Sea Customs Act, VIII of 1878, renders it lawful for spirit manufactured in India to be exported under bond for excise duty and this would apply to the excise duty on spirit ren-

* Under Section 1 of Act XVI of 1863, as amended by Section VI of the Indian Tariff Act VIII of 1894, the duty is not to exceed 5 per cent.

dered unfit for human consumption before removal from the place of its manufacture. Section 155 of the same Act authorizes the framing of rules for rendering imported spirit for human consumption, but the section contemplates only such spirit as is liable to Customs duty; and the rules framed under that section by Government (*Bombay Government Gazette* for 1883, pages 773—774) have reference only to spirit chargeable with the special *ad valorem* Customs duty of 5 per cent. under the Indian Tariff Act, 1882, Schedule II, Article 2.

There is, therefore, no authority in the law, as it stands, for permitting spirit manufactured in India to be exported under bond and to be imported at a Customs port and there rendered unfit for human consumption. Such spirit can only be exported under bond for the full excise duty, or, if it has been already rendered unfit for human consumption under Act XVI of 1863, for the special excise duty to which it is liable under that Act. (L. R. No. 983, dated 25th July 1884; *vide* G. N. No. 7195, dated 9th September 1884.)

XVI.—COASTING TRADE.

1. It is hereby notified that in the event of steamers other than those that have not obtained general passes under Section 156* of Act VI of 1863, requiring either port clearance or permission to clear out before or after office hours, which have been fixed to be from sunrise to sunset, the same will be granted at the coast ports on payment of a fee of Rs. 3 in lump sum to the Customs officer, whose attendance will be required for performance of such extra work out of office hours. (Notice by the Commissioner of Customs, dated 10th September 1870; *vide* G. R. No. 4287, dated 6th idem.)

*Cf. Section 164 of the Sea Customs Act 1878.

2. Collectors of Customs should be instructed that when a vessel is transferred to the regular coasting trade, the master should be called upon to declare the stores remaining on board and be required to pay duty on such stores as are dutiable. A Collector of Customs can always judge correctly when a vessel is thus transferred. Generally if a vessel is going to another Customs port to take in cargo for a foreign port, or when it is going to a foreign port but carries some cargo for a Customs port at which it is to touch *en route*, it is not transferred to the coasting trade. But if a vessel is carrying cargo exclusively for a Customs port and is not about to proceed at once on a foreign voyage or is going to a Customs port seeking cargo for another Customs port, it may be considered as in the coasting trade. (G. I. F. & C., No. 3275, dated 29th September 1881; *vide* G. R. No. 6062, dated 14th October 1881.)

3. Masters and owners of native craft engaged in the coasting trade should be required to prepare in future the documents usually presented by them at the Customs Houses, in English instead of in the

vernacular. (G. R. No. 1517, dated 25th February 1889, and 1124, dated 11th February 1890.)

4. The following rules framed with the sanction of Government by the Commissioner of Customs under Section 9, clauses (*a*) and (*c*), of the Sea Customs Act, 1878, prescribing and limiting the powers, duties and procedure of officers of Customs in respect of general passes valid for the ports of more than one Presidency, and in carrying out the provisions of the Act relating to vessels sailing under such passes are published for general information :—

Interpretation.

"Agent" includes masters and owners.

1. In these rules the word "Agent" shall include masters and owners.

Notified Ports.

The words "Notified Port" mean any foreign port regarding which it has been notified under Section 13 of the Sea Customs Act, VIII of 1878, that all goods imported from or exported to the same shall be treated as goods imported from or exported to Customs ports.

Foreign Ports.

The words "Foreign Port" shall include all foreign ports whether on the continent of India or not, except those regarding which a notification has been issued as above.

Dutiable goods.

The words "Dutiable cargo or dutiable goods" shall be held to mean—

(*a*) All goods shipped from foreign ports for Customs ports or notified ports, whether transhipped at any Customs or notified port or not ;

(*b*) All goods specified in schedules 2 and 3 of the Tariff Act, XI of 1882, whether shipped from or to foreign ports or Customs ports or notified ports ;

(*c*) All goods exported under claim for drawback or under bond for duty of Customs or Excise ;

(*d*) All goods the importation or exportation of which is prohibited or restricted under Section 18 of the Sea Customs Act, or any other law for the time being in force.

Free goods.

The words "Free cargo or free goods" shall be held to mean all goods which do not fall within the above definition of dutiable.

General.

Scope of rules.

2. The conditions on which every general pass issued for a coasting steam vessel shall be granted, and the powers, duties and procedure of officers of Customs relating to vessels sailing under a general pass, shall be as hereinafter set forth.

3. (*a*) Every general pass issued in the Bombay Presidency for a coasting steam vessel shall be granted by the Collector of Customs, Bombay, under his own signature.

Issue of General Pass.

(*b*) It shall be in the form prescribed in Appendix A.

Its form.

(*c*) It shall be terminable on the 31st July in each year, and shall be renewable by endorsement on application to the Collector of Customs.

The term of its validity.

(*d*) It shall be stated on the face of every general pass whether it is valid—

Its extent.

(1) For certain specified ports only; or

(2) For all Customs ports and notified ports throughout India.

(*e*) The pass shall remain in charge of the commander or other responsible officer of the vessel for which it is granted.

Its custody.

(*f*) It shall be kept posted up in a conspicuous place on board, and shall be shown to any Customs officer on demand.

Pass to be kept in conspicuous place and delivered on demand.

(*g*) A copy of these rules shall be furnished with each pass for the use of the ship to which it relates.

Copy of rules to be furnished therewith.

(*h*) The agents or owners may choose at their option at which presidency the pass shall be taken out.

Pass where obtainable.

(*i*) The granting of a general pass shall not relieve the agents of a vessel from any such provisions of the Customs Act, or of any rules for the time being in force under that Act, or of any such law for the time being in force as may be applicable to them.

Effect of General Pass.

(*j*) By applying for a general pass the agents of a vessel bind themselves, should a pass be granted, to be responsible:

Obligations it imposes.

(1) That all port and light dues shall be paid and all duties short levied or refunds or drawbacks erroneously disbursed in consequence of errors or omissions in the cargo books, manifests or other documents they are required to keep or put in, shall be made good on demand; and further

(2) That they shall deposit with the Collector of Customs a sum in cash or Government promissory notes amounting to Rs. 500 for each vessel, but not more than Rs. 3,000 for any one company's line, and shall give him a general authority to recover from the said deposit all sums adjudged to be due from them, whether

as dues, duties, recoveries, fees or penalties in respect of the vessel for which the pass is granted, or of any other vessel or vessels belonging to the same owners and also sailing under a general pass.

Nothing in this condition, however, shall be held to prejudice their right to appeal as provided by Section 188 of the Sea Customs Act, VIII of 1878, in any case in which they may consider themselves aggrieved by the Collector's decision.

Form of cargo book to be kept.

4. (*a*) A cargo book in the form B should be kept on board every steamer sailing under a general pass. The said cargo book shall be kept in accordance with the requirements of Section 165 of the Sea Customs Act, VIII of 1878, and shall further show separately the dutiable and free cargo received at each port for each port, whether Customs or foreign. Cargo received for transhipment shall be shown as for the port at which transhipment is to take place, but the port of ultimate destination shall also be given.

Not to dispense with manifest.

(*b*) The keeping of the said cargo book shall not be held to dispense with the presentation of manifests, except in so far as may be hereinafter provided.

The agents shall be at liberty to add to the form prescribed any columns they may require to adapt it to their own purposes.

General pass not to exempt from fees or special restrictions.

5. No general pass shall be held to exempt the agents or masters of vessels sailing under a general pass from payment of any fees for special services or from any restrictions as to lading or discharge of dangerous goods imposed upon them by the rules of any port at which the pass is valid.

Lading and Clearance.

Except at final ports entry outwards and shipping bills granted in anticipation of arrival.

6. At all intermediate ports vessels sailing under a general pass may be entered outwards and shipping bills granted in anticipation of arrival. At final ports the special permission in writing of the Collector will be required.

Shipping bills in English required except for transhipment and passengers' baggage.

7. No goods except transhipment goods and passengers' baggage shall be received on board without a shipping bill. All shipping bills shall be in English; and at ports where there are no facilities for their preparation in that language, the agents of the vessel shall be bound to provide for this requirement. Shipping bills shall be in the annexed form C. For free goods they shall be prepared in duplicate, printed in black and blue. For

dutiable goods they shall be in triplicate, printed in black, blue and red, with the word "dutiable" printed across in large type in red ink.

Shipment of free cargo.

8. Free cargo may be shipped at any time day or night, except on Sundays or holidays, without special permission or supervision: provided that no goods shall be shipped at night without supervision except such as have been water-borne for shipment during ordinary working hours.

9. Dutiable goods shall not be shipped except under Customs supervision. The original shipping bill shall be filed at the Customs House, and the duplicate shall accompany the goods on board. The triplicate shall be retained by the officer supervising the shipment, either at the wharf or on board, who, after endorsing upon it the particulars of the goods actually received on board, shall return to the Customs House for use in checking the vessel's export general manifest, as provided below.

Endorsements on duplicates.

10. The agents shall cause the endorsements so made upon such triplicates to be copied on the duplicate shipping bills for dutiable goods, and shall also be responsible that the particulars of the free goods actually received on board are endorsed on the duplicate shipping bills relating thereto. Those for dutiable goods shall accompany the vessel; those for free goods shall be retained by the agents for presentation with the export manifest.

Application for port clearance.

11. Port clearance must be applied for during office hours, unless otherwise directed by the chief Customs officer, and at least four hours before the departure of the vessel, and must be sent on board before she actually leaves the port.

Export manifest when to be put in.

12. The export manifest shall be in the same form as is prescribed for the cargo book by Rule 4. It must be put in by the agents within five clear working days from the date of sailing, and must be accompanied by a duplicate prepared in separate parts one for each port for which goods have been shipped, and by the duplicate shipping bills for free goods endorsed with particulars of actual shipments as required by Rule 10.

Duties of Customs officers in respect of shipping bills, manifests, &c.

13. After the original and duplicate have been compared and checked with the triplicate shipping bills for dutiable goods, and the duplicate shipping bills for free goods, the different parts of the duplicate manifest shall be sent by post, together with the

corresponding duplicate or triplicate shipping bills, as the case may be, to the Custom Collector at the ports to which they respectively relate, and the original export manifests shall be retained for use in conjunction with the original shipping bills in recording export statistics.

Entry and Discharge.

Extract from cargo book to be presented on Customs House.

14. Within 24 hours after arrival in any Customs port, final or intermediate, a duly authenticated extract from the cargo book kept on board as required by Rule 4, showing all cargo, free or dutiable, to be discharged, whether for landing or transhipment at that port, shall be presented at the Customs House, together with the duplicate shipping bills referred to in Rule 9 for all dutiable cargo comprised in the extract which may have been shipped at Customs ports.

Note.—The form of the extract may be modified by the substitution of columns for record of presentation of bill of entry and final clearance of dutiable goods, for columns 7 and onward in the form of cargo book.

Extracts from cargo book or boat notes to be furnished for checking discharge of cargo.

15. At ports where the cargo is to be discharged direct on to a wharf, a duplicate of the extract from the cargo book shall be furnished for use in checking the cargo as it is landed. When the cargo has to be discharged into boats, the duplicate copy may be dispensed with, but a boat note showing clearly all particulars necessary to the identification of the packages, and signed by a responsible officer of the ship, shall accompany each boat load ashore :

Provided that at ports of call where the extract from the cargo book to be put in under Rule 14 or a list of the cargo is handed to the Customs officer on board, or accompanies the goods ashore, no boat notes or duplicate extract from the cargo book need be insisted upon.

Conditions as to discharge at certain ports in Bengal and Madras.

16. At ports in the Lower Provinces of Bengal and at ports in the Madras Presidency (the chief port of Madras excepted) discharge may be commenced as soon as the vessel drops anchor, when free cargo may be landed at any time, day or night, without special permission or supervision, but no cargo from any foreign port and no cargo from any Customs port, which was transhipped from a foreign port, shall be discharged except under the written authority of the proper officer of Customs.

In the Bombay Presidency.

17. At ports in the Bombay Presidency discharge may be commenced as soon as the vessel drops anchor, and cargo, whether dutiable or free, may be landed at any time, day

or night, except on Sundays and holidays, without special permission or supervision, except in respect of work at wharves where supervision may be necessary out of hours: provided that the agents shall be responsible that dutiable cargo shall be covered by separate boat notes or lists if the cargo is discharged by boat and stacked separately on the wharf, and that it shall only be delivered on production of bills of entry duly passed by the Customs Department, and on payment of any duty that may be due upon them.

Bills of entry.

18. These bills of entry shall be in the usual form for goods imported by foreign-going vessels, and shall be granted upon the extract from the cargo book filed at the Customs House as required by Rule 14, after check, if the goods are said to have come from a Customs port, with the shipping bills filed with the extract.

NOTE.—*See* note to Rule 14.

At ports of Madras.

19. At the ports of Madras, subject to the right of the Master Attendant to regulate the boat traffic on considerations of weather, goods may be landed on the beach or at the pier at any hour between 6 A.M. and 6 P.M. of sunrise and sunset, but not afterwards, unless the cargo boats have left the ship's side by 6 o'clock P.M., in which case they shall be entitled to discharge at the pier up to 6 P.M. on Sundays and holidays as well as on ordinary work days. The Collector of Sea Customs may, at his discretion, extend the time for the landing of goods on good cause for granting the extension being shown. The regulated fees must be paid to the subordinates of the Customs and Marine Departments in accordance with the prescribed rules in consideration of the extra labour entailed, whenever they are called upon to work overtime or on Sundays and holidays under the orders of the officer in charge of the Customs House.

20. Except at ports in the Lower Provinces of Bengal free cargo may be removed by the owners as soon as it has been checked off on the extract from the cargo book furnished for the purpose or cargo list, or boat notes, as contemplated in Rule 15; when the cargo has not been checked off on the original extract from the cargo book, the cargo list, duplicate extract or boat note used, for the purpose, as the case may be, shall be retained for subsequent comparison with the original extract from the cargo book.

Agents to account for discrepancies.

21. The agents of the vessel shall be bound to account, on being called upon to do so, for all discrepancies both as to free and as to dutiable cargo, and to make all amend-

ments necessary to secure the correctness of the documents put in by them.

Agents to arrange for despatch certificates from foreign ports as to shipments,

22. The agents shall further be bound to undertake that when the vessel touches at any foreign port in the course of any coasting voyage, a certificate under the signature of the chief officer of Customs at such port shall be despatched within 24 hours of her departure to the Customs Collector of every Customs port for which she has taken in cargo at such foreign port, giving number and description of packages, numbers and marks they bear, and a general description of their contents.

and as to discharge of goods under bond or on drawback.

They shall also be bound to furnish to the chief Customs officer of any Customs port from which any goods may have been shipped under bond for Customs or Excise duty or under claim for drawback, for any foreign port, a certificate from the chief Customs officer of the said foreign port showing particulars of discharge of such goods.

Conditions as to Transhipment applicable to all Ports elsewhere than in the Lower Provinces of Bengal.

Separate entry for transhipment,

23. All transhipment cargo to be discharged or received by a vessel sailing under a general pass shall be separately entered as such in the cargo book of such vessel, and in the extract from the cargo book, or the export general manifest to be put in under Rule 14 or 12 respectively, as the case may be.

Discharge of transhipment goods to be entered on boat notes with counterfoils,

24. The particulars of all cargo discharged for transhipment shall be entered by the Customs officer on board the discharging vessel, or if there be no Customs officer, then by a responsible officer of the ship in a boat note or boat notes with counterfoils, and no such cargo shall be received on board without a boat note, which shall be endorsed by the receiving officer in the same manner as a shipping bill.

Distinct for free and dutiable goods respectively.

Separate boat notes shall be given for free and dutiable goods respectively, those for the latter being rendered readily distinguishable by having the word "dutiable" printed across the face in large type in red ink.

Counterfoils how to be dealt with,

25. The counterfoils shall be sent to the Customs House before the vessel sails, and shall be afterwards checked with the inward extract from the Cargo book, put in by the

discharging ship under Rule 14, and if the goods are from a Customs port or Indian foreign port, with the export manifest and shipping bills, or the certificate of shipment, received from such port as provided by Rules 12 and 22.

Boat notes to be presented by Agents.

26. The boat notes shall also be sent ashore and shall be presented by the agents of the receiving ship in support of the export general manifest to be put in by them after the vessel's departure, as provided by Rule 12. If the goods covered by them are for a Customs port, they shall, after the export general manifest has been checked, be forwarded as accompaniments with the duplicate manifest to the port of destination. If the goods have been shipped at a Customs port, the shipping bills relating to them, received from the port of shipment, shall be sent on with the boat notes and the duplicate of the export manifest to the port of destination.

Supervision and order necessary to transhipment of dutiable goods.

27. Free goods may be transhipped as above without supervision. Dutiable goods shall not be transhipped unless otherwise directed by special order in writing, except in the presence of an officer of Customs, who shall fill in the boat notes and counterfoils required by Rule 24.

Lists of transhipped goods by receiving vessel.

28. If any cargo on which duty has to be recovered at the port of discharge shall have been transhipped for any Customs port, the master of the receiving vessel shall, before he sails, present to the Customs officer on board a list in duplicate of all such cargo received by him for each such port. The Customs officer after verifying the lists shall retain one copy and return the other to the master for presentation on arrival to the Customs authorities at the port of destination.

In the case of dutiable transhipment goods from a Customs port the duplicate shipping bills brought on by the discharging vessel shall be transferred to the master of the receiving vessel with the copy of the transhipment list of goods on which duty is to be recovered, for presentation at the Customs port of discharge.

29. Transhipments of dutiable goods from foreign-going vessels shall be subject to general rules as to liability to fees and necessity for tranship permits before transhipment is allowed.

Transhipment rules in Lower Provinces of Bengal.

30. The foregoing conditions 23 to 29 are not applicable to ports in the Lower Provinces of Bengal. At those ports goods for transhipment shall be subject to the following conditions :—

Notification by the Government of Bengal, dated 26th November 1883.

"1. Applications for the transhipment of free goods should be presented to the proper officer of Customs before 3 P.M., and such goods will be allowed transhipment under the pass issued, without any charge.

"2. Applications for the transhipment of dutiable goods should be presented to the proper officer of Customs before 3 P.M. on the day prior to that on which the transhipment is required, accompanied by the fees payable under Section 133 of the Act, on the following scale for the port of Calcutta:—

For each transhipment between the hours of 8 A.M. and 5 P.M.—

	Rs.	a.	p.
On packages not exceeding 50 in number, each	0	4	0
On every ten or less than ten packages in excess of 50...	1	0	0

"3. When transhipments of dutiable goods are not completed before 5 P.M., an additional fee of Rs. 4 will be charged.

"4. Chittagong.—The transhipment fees payable on dutiable goods are as follow:—

	Rs.	a.	p.	
For single packages...	0	8	0	per package.
For goods in bulk ..	6	4	0	per 100 maunds."

Notice by the Collector of Customs, Calcutta, dated 27th June 1882.

"Until further notice the transhipment of free goods will be allowed without the attendance of a preventive officer and without any charge. It will still, however, be necessary to obtain the permission of the Collector of Customs for transhipment under Section 128 of Act VIII of 1878.

"2. Unless it is clearly shown by the manifest or other document produced that the goods to be transhipped are free goods, they will, for the purpose of transhipment, be treated as dutiable goods, and fees charged accordingly.

"3. In the case of free goods, as soon as the transhipment is completed, the transhipper should return the pass to the Collector of Customs with an endorsement showing the number of packages transhipped, and the marks and numbers of the packages, if any, short transhipped.

"4. In the case of dutiable goods, the fees for transhipment will be the same as heretofore, with the exception that the extra fee of Rs. 4 per diem for work after the first day will not be charged so long as the regulation working hours from 8 A.M. to 5 P.M. are not exceeded.

"5. There will be a special form of transhipment pass for free goods, the present form being used for dutiable goods."

Stores.

31. No stores shall be transhipped from any foreign-going vessel to any vessel sailing under a general pass except with the permission of the proper officer of Customs.

Passengers' Baggage.

32. Passengers' baggage may be shipped and discharged at any time without supervision or restriction except as regards baggage shipped at foreign ports. It will be the duty of the master to enter all such baggage in his cargo book and extracts therefrom to be presented under Rule 14, and to see that no such baggage is landed out of hours at any Customs port unless it has been passed by a Customs officer on board.

APPENDIX A.

Form for General Pass.

This General Pass is granted to the S. S.

of Register

No. , Tons , belonging to

under the provisions of Section 164 of the Sea Customs Act VIII of 1878.

This pass shall be in force until the 31st day of July 189 , inclusive, subject to the power of revocation vested in the Chief Customs Authority of this Presidency by clause 3 of the said section, and to the due observance, by the master, owners or agents, of all obligations imposed upon vessels sailing under a general pass for the time being in force, and of all the conditions on which this pass is granted and which are more particularly set forth in the (printed) statement thereof herewith delivered, and shall, so long as it is current, entitle the said S. S.

to the benefit of all facilities provided by such rules for entry and lading, discharge and clearance at all ports for which it is valid, as specified below.

Provided that this pass shall not be valid for any voyage or voyages which the said S. S.
may make otherwise than as a regular coasting vessel during the period of its currency.

Dated }
189. }

Collector of Customs.

Extended to 31st July 189 .

Collector of Customs.

Ports for which this Pass is valid.

All Customs ports throughout British India,

or

All Customs ports throughout

the { Presidencies of
.....and
.....

or

Bombay,
Kárwár,
Tellicherry, &c. (*specifying them by name*).

Collector of Customs.

APPENDIX B.

Form of Cargo-book prescribed by Rule 4.

S. S. , Tons , Register No.
Master , under colors, Voyage No. , sailed from , on the 189, for

No. and Date of Shipping Bill or other authority for shipment.	Marks and Number of Packages.	Description of Contents.		Shipper's Name.
		Dutiable as defined in Clause 1 of the Rules.	Free as defined in Clause 1 of the Rules.	
1	2	3	4	5

Consignee's Name.	Port for which shipped.	Date of		Remarks.
		Shipment.	Delivery.	
6	7	8	9	10

EXPLANATIONS.

The name of each port at which cargo is shipped to be written across the form, and below it the names of each port for which cargo has been shipped, with particulars of the cargo shipped to be entered.

Column 9 to be filled in when cargo is discharged.

Export General Manifest to be in the same form as the entries under each port of shipment, with the addition of such columns as may be prescribed for registration purposes by local authorities.

Import general manifest or extract required under Rule 14 for each port to be in the form of a collection of entries of cargo shipped for that port under the various ports of shipment headings, with the addition of such columns as the local authorities of each Presidency may prescribe for clearance or registration purposes.

Transhipment goods to be indicated by a note in the column of Remarks.

APPENDIX C.

Form of Shipping Bill.

Entry of Goods exported by
from per under
colors to

1	2	3	4	5
Marks.	Number and Kind of Packages.	Description of Goods.	Weight or Quantity.	Market Rates for value.

6	7		8
Market or Real value under Section XXIX of Act VIII of 1878.	DUTY RECOVERED, IF ANY.		Remarks for the guidance of Customs Officer at the Port of Discharge.
	Rate.	Amount.	

EXPLANATIONS.

Any additional columns or endorsement forms required for purposes of registration, check, transfer, &c., by local usage may be added under the orders of local authorities.

In shipments of free goods, columns 7 and 8 may be left blank.

An additional column may be opened for specifying the class of goods to be shipped, namely, warehouse or drawback goods, goods exported under special rule of restriction, country goods subject to duty, and country goods free of duty.

(G. N. No. 4581, dated 1st July 1890.)

Note.—The above rules were republished for Sind under the Commissioner in Sind's Notification No. 2455, dated 17th July 1890.

5. In exercise of the power conferred by Section 157, clause (*a*) of the Sea Customs Act, 1878, the Governor in Council is pleased to make the following rules in supersession of all rules heretofore made by him under the said clause of the said section at present in force, *viz.*:—

(1) The provisions of Sections 85 and 88 of the said Act are extended to all coasting vessels of whatever description engaged in coasting trade in any part of the Presidency of Bombay and to all goods imported or exported in any such vessel.

(2) The provisions of Section 64 of the said Act, not including those of clause (*a*) of the said section and the provisions of Section 66 of the said Act, are extended to all coasting vessels of the following descriptions and to all goods imported or exported therein, *viz.*, steamers and square-rigged vessels engaged in any part of the Presidency of Bombay in coasting trade.

(3) All the provisions of the chapters and sections of the said Act mentioned in Section 156

thereof, other than those specified in the two last preceding rules, are extended to all coasting vessels of the following descriptions and to all goods imported or exported therein, namely, steamers and square-rigged vessels engaged in any part of the Presidency of Bombay in coasting trade which do not possess a general pass under Section 164 of the said Act.

(4) The provisions of Sections 55 and 63 of the said Act shall so far extend to all coasting vessels to which they have not already been extended, as to require that every import and export manifest to be delivered at ports of final destination and first departure by the master of every such vessel, shall contain, and show separately particulars of all arms and ammunition kept or carried as part of the ordinary equipment thereof.

(5) The provisions of Sections 54, 55 and 86 of the said Act are extended to all coasting vessels of the following description and to all goods imported therein, *viz.*, steamers engaged in any part of the Bombay Presidency in coasting trade which possess a general pass under Section 164 of the said Act other than one valid for the ports of more than one presidency granted under the rules issued under Government Notification No. 4581, dated 1st July 1890, published at page 596, Part I, of the *Bombay Government Gazette* dated the 3rd idem.

(G. Ns. Nos. 4026, dated 20th June 1888, 8769, dated 19th November 1889, and 7374, dated 26th October, 1891.)

6. In exercise of the power conferred by Section 157, clause (*a*), of the Sea Customs Act, 1878, the Governor of Bombay in Council is pleased to make the following rule, *viz.*:—

At the port of Bombay, the provisions of Sections 61 and 136 of the said Act are extended to all coasting vessels of the description known as country craft and to all goods exported therein.

(G. N. No. 4437-I., dated 25th May 1892.)

7. Clause (*b*) of Section 157 of the Sea Customs Act, 1878, does not authorize the Local Government to deprive coasting vessels of privileges which the Act specially confers upon them as upon other vessels; it merely empowers the Government to *exempt* such vessels from certain provisions of the Act. (L. R. No. 401, dated 6th April 1888; *vide* G. R. No. 4026, dated 20th June 1888.)

8. In exercise of the powers conferred by Section 157, clause (*c*), of the Sea Customs Act, 1878, the Governor of Bombay in Council is pleased to make the following rule:—

A vessel arriving at a port in the Bombay Presidency with dutiable stores on board shipped at a foreign port may, when she becomes a coasting vessel, carry such stores on payment of the

duty chargeable thereon: provided that if they are intended for consumption after the vessel shall have re-entered the foreign trade and shall have ceased to be a coasting vessel, such stores may be carried without payment of duty, on their being sealed up under a Customs seal kept unbroken until the vessel has obtained entry outwards for a foreign port.

(G. N. No. 4437 E., dated 25th May 1892.)

Note.—This notification is also applicable to Sind; *vide* G. Rs. Nos. 4437, dated 25th May 1892, and 6080, dated 19th August 1892.

9. In exercise of the power conferred by Section 157, clause (*d*), of the Sea Customs Act, 1878, the Governor in Council is pleased to make the following rule, *viz.*:—

The conveyance of country liquor, as defined in the Bombay Abkári Act, between the ports of Bombay and Karáchi in any coasting vessel, other than a vessel propelled by steam, is prohibited.

(G. N. No. 4437 K., dated 25th May 1892.)

10. In exercise of the powers conferred by Section 53 (2) and (3) of the Native Passenger Ships Act X of 1887, the Governor of Bombay in Council is pleased, with the previous sanction of the Governor General in Council, to issue the following rules for observance by coasting steamers sailing under general passes granted to them under the provisions of Section 164 of the Sea Customs Act VIII of 1878, when embarking or discharging passengers at the ports under the control of the Collector of Salt Revenue, Bombay Presidency:—

I. The owner of every such steamer shall provide two separate gangways on each side, two fore and two aft.

II. It shall be the duty of the master of every such steamer to have two of such gangways, one fore and one aft, lowered immediately after the signal referred to in Rule 1 of the Rules issued under Section 6 of the Indian Ports Act X of 1889 (Government Notification No. 1735 of the 5th March 1890) is exhibited.

III. No master of such vessel shall permit passengers to embark except by the aft gangway so lowered, or shall permit passengers to be discharged except by the fore gangway.

Every owner of such steamer shall for every breach of Rule No. 1 of these Rules be punished with fine which may extend to two hundred rupees and, when the breach continues, shall be punished with a further fine which may extend to twenty rupees for every day after the first during which the breach continues. Every master of such steamer shall for every breach of No. II or III of these Rules be punished with a fine which may extend to two hundred rupees.

(G. N. No. 3335, dated 20th August 1890.)

XVII.—OFFENCES AND PENALTIES.

1. The following opinion of the Honourable the Advocate General, No. 93, dated 5th October 1889, was communicated to the Commissioner of Customs for information and guidance :—

"I understand from the papers sent to me that it is not disputed that the bank took the shipping documents relating to the goods, in respect of which the offence of importation with a counterfeit trade mark applied is alleged to have been committed, as cover to or security for a bill of exchange discounted by the bank in the ordinary course of business, and that the bank had no knowledge or reason to suppose that the goods to which such documents related bore a counterfeit trade mark. If this be so, it is in my opinion impossible to consider that the bank was concerned in any offence within the meaning of Section 167 (8) of the Sea Customs Act; and I think that the fine of Rs. 500 if levied ought at once to be refunded. The goods, however, to which the counterfeit trade mark has been applied are liable to confiscation, as this penalty is attached to the goods whether or not their owner has been concerned in any offence.

"I have not seen the alleged counterfeit trade mark. But I wish again to repeat a caution which I have before given to the Customs authorities not to accept the statement of a person who asserts that his trade mark has been counterfeited except the case is free from any possible doubt. Few points are more difficult to decide than whether one mark is a counterfeit or colourable imitation of another mark or not; and the person who asserts that his trade mark has been infringed ought to be put to establish the infringement in a Court of Law before the Customs authorities act on his assertion. The certificate of registration under the Patents Designs and Trade Marks Act, 1883, proves the existence of the trade mark but not its infringement. If this caution be neglected, I am certain that Government will be plunged into costly litigation; as it will be the object of every person entitled to a trade mark to get the Customs authorities to fight his battles for him."

(G. R. No. 8013, dated 22nd October 1889.)

2. The proper construction of the words "goods shall be liable to confiscation and any person concerned in any such offence shall be liable to a penalty" occurring in Section 167 of the Sea Customs Act is that both, or only one, and either, of the punishments therein mentioned, that is to say (1) confiscation and a penalty, or (2) confiscation only or (3) a penalty only, may be legally inflicted. (Adv. Gen. No. 65, dated 11th August 1890; *vide* G. R. No. 6161, dated 30th idem.)

3. Sections 55 and 167 (17) of the Sea Customs Act, 1878, give no authority to recover duty on shortages of bottled wines and spirits not satisfactorily accounted for, nor is there any other authority which entitles the Customs Department to charge the import duty on any article not actually imported into British India. The opinion expressed by the Advocate General in his memorandum No. 43*

* "The meaning of the phrase 'imported by sea' is now under consideration by the High Court in the case of *Limji Jamsetji* vs. *The Secretary of State*, in which the question arose with regard to the importation into the port of Broach of a cargo of salt. Pending the decision of the High Court, I am of opinion

dated 30th June 1874, is merely to the effect that goods brought into Bombay Harbour must be considered as "imported by sea." There is no doubt that duty is payable upon such goods as provided by Act VIII of 1878, but this is very different from saying that duty is payable upon goods which may not actually have been brought into the harbour, but which are treated by the Customs Authorities as having been imported merely because they are entered in the bill of entry. The duty is leviable upon the quantity and value of goods actually brought into the harbour, and the bill of entry or shipping bill is very good *primâ-facie* evidence of this quantity and value, but there is nothing in the Act to prevent the shipowners from amending the bill within the time allowed by Act VIII of 1878. (Adv. Gen. Nos. 12, dated 2nd February, and 79, dated 17th August 1891; *vide* G. R. No. 6069, dated 4th September 1891.)

4. A master cannot be held responsible under No. 17 of Section 167 of the Sea Customs Act for any articles missing from a case on board his vessel if the case is unbroken and it appears in the manifest (as it always does) as a package the contents of which are unknown; but the master may be held responsible if the package is found broken on board and it can be shown by reasonable evidence that the contents are deficient. The master is in no case responsible if the breakage or deficiency is not discovered until after the goods have been landed under Section 85; nor is the agent of the vessel in any case made responsible by the law as it now stands for duty or penalties on goods landed under Section 85 into his custody.

It is, however, optional with the Collector to grant or refuse the permission required by Section 85, and if he considers it necessary to do so, for the protection of the public revenue, he is at liberty to refuse permission unless the agent agrees in writing to accept liability for all duties which would or might have been recoverable in respect of missing or deficient goods had the cargo been examined on board, or makes such other arrangement as satisfies the Collector that the public interests will not suffer by the cargo being discharged into the custody of the ship's agent. (G. I., F. & C., No. 4271, dated 15th October 1891; *vide* G. R. No. 8028, dated 24th November 1891; *vide* also G. R. No. 8114, dated 13th October 1892.)

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that the words 'imported by sea' in Section 7 of Act VI* of 1873 must be construed according to their literal meaning, that is 'conveyed or carried into by sea.' The propriety of this literal interpretation of the words is supported by the subject-matter of the Act, as well as by the context of the section itself. The Act is one for the transhipment of goods; and the contest refers to re-export by sea from the same port. No 'laying of the goods on land' is therefore contemplated; and the clear inference from the terms of the section is that the re-export may be in the same bottom, as the duty on such re-export is declared to be the same as the fee which would have been payable 'in case of transhipment'... ..." (Adv. Gen No. 43 dated 30th June 1874; *vide* G. R. No. 3593, dated 13th July 1874.)

* Repealed by Act VIII of 1878.

XVIII.—REWARDS.

1. The following rules for regulating the grant of rewards for the detection and prevention of offences against the Sea Customs Laws in the Bombay Presidency are published for general information :—

(1) When the confiscation of any property has been ordered or any penalty has been adjudged under the provisions of the Sea Customs Act, VIII of 1878, the Collector of Salt Revenue in the case of confiscations and penalties adjudged by officers of the Salt Department, and the Deputy Commissioner of Customs in the case of confiscations and penalties adjudged by officers of the Bombay Custom House, may, subject to the general control of the Commissioner of Customs, grant, in such proportions as they may think fit, to any person or persons who may have contributed to the seizure of the property or the conviction of the offenders rewards not exceeding the value of the property confiscated *plus* the amount of any fine recovered.

(2) In any case in which, in the opinion of the Commissioner of Customs, any person has performed any service of special merit in respect of the prevention or detection of smuggling or of any offence against the Sea Customs Laws, the Commissioner may grant to such person a reward not exceeding in amount Rs. 50. A reward granted under this rule may be in addition to, or in lieu of, any reward that may or might have been granted under Rule I.

(3) The Commissioner of Customs, or with his sanction the Collector of Salt Revenue or the Deputy Commissioner of Customs, may incur at his discretion expenditure not exceeding Rs. 100 in each case for the employment of informers or for other purposes connected with the prevention or detection of smuggling or of any offence against the laws relating to Sea Customs.

(G. N. No. 2181, dated 27th April 1878.)

2. The following rules for regulating the grant of rewards for the detection and prevention of offences against the Sea Customs Laws in Sind are published for general information :—

(1) When the confiscation of any property has been ordered, or any penalty has been adjudged under the provisions of the Sea Customs Act VIII of 1878, the Collector of Customs in the case of confiscations and penalties adjudged by officers of the Customs Department may, subject to the general control of the Commissioner in Sind, grant, in such proportions as he may think fit, to any person or persons who may have contributed to the seizure of the property or the conviction of the offenders, rewards not exceeding the value of the property confiscated plus the amount of any fine recovered.

(2) In any case in which, in the opinion of the Commissioner in Sind, any person has performed any service of special merit in respect of the prevention or detection of smuggling or of any offence against the Sea Customs Laws, the Commissioner may grant to such person a reward not exceeding in amount Rs. 50. A reward granted under this rule may be in addition to, or in lieu of, any reward that may be or might have been granted under Rule I.

(3) The Commissioner in Sind or, with his sanction, the Collector of Customs may incur at his discretion expenditure not exceeding Rs. 100 in each case for the employment of informers or for other purposes connected with the prevention or detection of smuggling, or of any offence against the laws relating to Sea Customs.

(G. N. No. 6518, dated 20th September 1882.)

XIX.—SUNDAY AND HOLIDAY WORKING.

1. The following rules respecting the working hours of the Preventive and Wharf Departments of the Custom House in Bombay having received the approval of Government, are published for general information, under Section IV of Act VI of 1863:—

Ordinary working hours on board ship or on the wharves shall be from sunrise to sunset, except on Sundays, Christmas day, Good Friday, New Year's Day, and Queen's Birthday, which shall be close holidays.

Preventive or wharf officers who may be required by ship masters, merchants, or others, to work before or after the above hours, on ordinary working days, shall be paid the following fees by the parties requiring their services:—

	Rs.	a.	p.
From sunset to midnight or for any portion of that period	5	0	0
From midnight to sunrise or for any portion of that period	5	0	0
For *extra* officers employed at the special request of ship masters or others, per working day	5	0	0

For officers of the permanent establishment or for extra officers employed during Sundays or close holidays:—

	Rs.	a.	p.
From sunrise to sunset or any portion thereof.	10	0	0
From sunset to sunrise or any portion thereof.	10	0	0

In addition to the foregoing, conveyance hire shall be charged for any officers deputed at the special request of merchants or others to superintend the landing or shipping of goods at distant bandars not authorized for the general receipt of such goods. (Commissioner of Customs' Notification, dated 24th January 1865; *vide* G. R. No. 251, dated 21st idem.)

Note.—The above rules were extended to the Customs House in Karáchi by G. R., F. D., No. 1821, dated 23rd May 1873.

2. The rule in force in Bombay of paying to pilots the fees recovered from vessels leaving port on Sundays, holidays and after hours should also be introduced in Karáchi. (G. R. No. 903, dated 19th February 1880.)

Note.—A similar privilege was granted by Government Resolution, Marine Department, No. 28, dated 10th January 1878, to the Native pilots and the crews of boats employed on night pilotage at Aden.

3. The following rules for the Port of Karáchi, in respect of working hours on board ships and on the wharves, prescribed by the Commissioner in Sind, with the approval of His Excellency the Governor of Bombay in Council, are published for general information :—

1. Ordinary working hours on board ships and at the wharves shall be from sunrise to sunset, except on Sundays, Christmas Day, Good Friday, New Year's Day, and the Birth-Day of Her Majesty the Queen-Empress, and any day which Government may specially appoint to be observed as a general holiday, which shall be close holidays.

2. But goods may be discharged from a ship or shipped or waterborne for shipment from a wharf, or passed from or on to a wharf, on importation or exportation between sunset and sunrise and on close holidays (except Sundays) on written permission to do so from the Collector of Customs. For each such permission fees shall be recovered at the rates prescribed in the appended table.

3. The Collector of Customs may, by an order in writing, permit work on Sundays on board ships on payment, in addition to the fees prescribed in the appended table for work on close holidays, of a fee equal to one day's demurrage subject to a minimum charge of Rs. 50 and a maximum charge of Rs. 200 for each ship on which work is carried on. Demurrage for the purpose shall be calculated at the rate of $6\frac{1}{4}$ annas per ton of registered tonnage. But it shall be within the discretion of the Collector of Customs to remit or reduce the special fee for Sunday work leviable on mail steamers which cannot avoid working cargo on Sundays. Such remission shall not ordinarily be made except in the case of mail steamers, for which Karáchi is a port of call only.

4. The discharge of explosives shall be considered as exempted from the special fee for Sunday work, the ordinary fee for close holidays only being paid in such cases. But explosives shall not be discharged on Sundays without written permission from the Collector of Customs.

5. No Sunday traffic shall be permitted on any wharf, pier or jetty, save as may be necessary, for the loading or unloading of ships lying alongside, for which special permission has been obtained under Rule 3.

Table of Fees for working out of authorized hours and on close holidays (except Sundays) on board vessels and at the wharves.

Nature of Work	ON ORDINARY DAYS OUT OF AUTHORIZED HOURS.		ON CLOSE HOLIDAYS (EXCEPT SUNDAYS).		
	From sunset to midnight or any portion of that time.	From midnight to sunrise or any portion of that time.	From sunrise to sunset or any portion of that time.	From sunset to midnight or any portion of that time.	
1. Discharging or shipping cargo from or on to the importing or exporting vessel.	Rs. 5 for each vessel.	Rs. 5 for each vessel.	Rs. 10 for each vessel.	Rs. 10 for each vessel.	
2. Passing goods from or on to a wharf for importation or exportation.	Rs. 5 for each importer or exporter.	Rs. 5 for each importer or exporter.	Rs. 10 for each importer or exporter.	Rs. 10 for each importer or exporter.	
3. For landing or shipping goods from or on to cargo boats, on to or from a wharf.	Rs. 5 for each application.	Rs. 5 for each application.	Rs. 10 for each application.	Rs. 10 for each application.	But the Collector may, with the previous sanction of the Commissioner in Sind, make a compounded charge of Rs. 100 for such work to be performed during a month instead of the fee herein prescribed.

(G. R. No. 2294, dated 13th March 1896, and Commissioner in Sind's Notification No. 1200, dated 2nd April 1896.)

4. Government have sanctioned the arrangement made by the Commissioner of Customs, Salt, Opium and Abkári for the payment of extra remuneration to the officers and other employés of the Preventive Service engaged on patrol duty at night both in the harbour and at the Prince's Dock out of the fund raised by the imposition of special fees levied for the grant of permission to vessels to take in and discharge cargoes on Sundays and holidays. But the whole surplus balance standing to the credit of the fund on 1st April 1889 was ordered to be credited to Government, and it was directed that in future all surplus accumulations from the same source should be similarly credited at the end of each official year, the fees being credited to deposits and the remuneration charged to the same head. The same course is to be followed in Sind in respect of surplus accumulations of fees accruing at Karáchi. (G. R. No. 4488, dated 24th June 1889.)

5. The practice as regards the levying of fees for the working of cargoes on Sundays at the Karáchi Port should be entirely assimilated to that prevailing at Bombay, where besides the charges sanctioned by Government Resolution No. 251, dated 21st January 1865, and a minimum Customs charge of Rs. 50 and a maximum Customs charge of Rs. 200 for each ship on board of which work is carried on (the demurrage for this purpose being calculated at the rate of 6¼ annas per ton of registered tonnage), a permit fee of Rs. 200 is levied by the Port Trustees. (G. R. No. 3157 dated 1st April 1892.)

XX.—LAND CUSTOMS.*

1. The Right Honourable the Governor in Council is pleased to declare that the Native State of "Jawhár" situated in the northern part of the Thána Collectorate between the tálukas of Umbargaon and Tárápur shall be deemed to be foreign territory as regards the payment of duty upon salt and opium passing into or out of the said State to or from British Territory under the provisions of Section 3 of Act XXIX of 1857.

His Excellency in Council is further pleased to declare, under Section 6 of the Act above quoted, that the undermentioned routes alone are those by which salt and opium will be permitted to be passed into and out of the said State of "Jawhár" aforesaid, *viz*:—

1.—To the Northward.

1. The junction of the Sanján and Dáhánu roads.
2. Surrowli.
3. Ambersury.

2.—To the Southward.

1. Mahagaum.
2. Ryi Tulli.

3.—To the Eastward.

1. Ransett.

4.—To the Westward.

1. Agwan.

(G. N. dated 26th August 1868.)

Note.—Government Notification dated 8th May 1869, published at page 454 of the *Bombay Government Gazette* of 13th idem, directed that the foregoing notification of 26th August 1868 and the following notification of 18th February 1869 should be considered as having been issued under Section VI of Act XXIX of 1857 and Section IV† of Act XI of 1869, instead of under Sections III and VI of the former Act.

†Cf. Section of the Indian Tariff Act, 1894.

2. The Right Honourable the Governor in Council is pleased, under Section III of Act XXIX of 1857, to declare that the territories of any Native Chief not subject to the jurisdiction of the Courts of the Bombay Presidency shall so far as respects the duties on salt be deemed to be foreign territories, and that salt passing out of such territories into those of this Presidency, is liable to the existing duty.

It is hereby further notified, for the information of the public, in conformity with Sections IV and VI of Act XXIX of 1857, that the undermentioned routes have been fixed on as those alone by which it shall hereforth be lawful to import salt across the Káthiáwár frontier, and that all salt imported or attempted to be imported by any other route across the said frontier will be seized and dealt with according to law.

List of Routes.

On the Gogha frontier by way of Valukur, Tunsa, Bhojpura, Kurukri.

* All the notifications printed under this head, except G. Ns. Nos. 7644, dated 26th September 1892, and 8938, dated 25th October 1892, are apparently now obsolete. But as they are still technically in force, so far as they have not been formally cancelled, they have been included in this compilation for information.

On the Dhandhuka frontier by way of Dhandhuka Burwalla, Aniali, Salungpur, Barejra.

On the Dholka frontier by way Kunujla, Mitápur and Ghoria.

(G. N.* dated 18th February 1869; *vide* G. R. No. 693 of the same date.)

3. The following is to be substituted for the notification dated 14th December 1875, and published on page 1246 of the *Government Gazette* dated 16th idem.

The notification published on page 148 of the *Government Gazette* of 25th February 1869, Part I, is cancelled so far as it refers to Káthiáwár, and the following is substituted in place of it.

His Excellency the Governor in Council is pleased under Section 4 of Act XI of 1869 to declare that all that part of the Province of Káthiáwár, which lies outside and to the west of the Preventive Frontier as it has been defined by notification of the Political Agent, the same not being subject to the Courts or Civil authorities of the Bombay Presidency, shall be deemed to be foreign territory in so far that salt passing out of such territory across the said Frontier Line shall be liable to the duties specified in Schedule A to Act No. XVI of 1875 (The Indian Tariff Act), or any other law for the time being in force relating to the duties of Customs on goods imported and exported by sea.

It is hereby further notified for the information of the public, in conformity with Sections 4 and 6 of Act XXIX of 1857, that the undermentioned route has been fixed on as that alone by which it shall henceforth be lawful to import salt across the said Frontier Line, and that all salt imported or attempted to be imported by any other route will be seized and dealt with according to law.

Route.

By the way of Dhandhuka.

(G. N. dated 25th January 1876; *vide* G. R. No. 557 of the same date.)

4. Under Section 4 of Act XI of 1869, the Right Honourable the Governor in Council is pleased to declare the territories of His Highness the Gáikwár to be foreign territory for the purposes of the abovementioned Act.

(G. Ns. dated 11th January 1870 and 11th May 1870.)

5. Under Section 4 of Act XI of 1869, the Right Honourable the Governor in Council is pleased to declare the territories under the dominions of His Highness the Nizám to be foreign territory for the purposes of the abovementioned Act. (G. Ns. dated 11th January 1870 and 11th May 1870.)

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* This notification was cancelled, so far as it refers to Káthiáwár, by Government Notification dated 25th January 1876.

6. Under Section 4 of Act XI of 1869, the Right Honourable the Governor in Council is pleased to declare the Native States in Káthiáwár to be foreign territory for the purposes of the abovementioned Act. (G. Ns. dated 11th January 1870 and 11th May 1870.)

7. Whereas by Act XI of 1869, the Local Government is empowered to declare by notification in the Official Gazette, that the territory of any Native Chief, not subject to the jurisdiction of the Courts and Civil authorities of the territories under such Government, shall be deemed for the purposes of that Act to be foreign territory, and may declare goods passing into or out of such territory liable to the duties specified in any law for the time being in force relating to the duties of Customs on goods imported and exported by sea: and whereas by Act XXIX of 1857, Customs stations may be established at such places as may be determined by the Governor in Council for the levy of duties or customs on goods exported by land to, or imported by land from such foreign territories; and the Governor in Council may prescribe, by public notice in the Official Gazette, by what roads or passes goods shall be allowed to pass into or out of such foreign territory.

Notice is hereby given, that on and after the 1st day of November 1872, the territories of His Highness the Gáikwár and the Rája of Rájpipla shall be deemed, for the purposes of Act XI of 1869, to be foreign territories, and that from and after that date, spirits and fermented liquors ofwhatever description passing out of the territories of the said His Highness the Gáikwár and the Rája of Rájpipla into any portion of the Broach Collectorate, shall be liable to the duties specified in Schedule A to Act XIII of 1871, as the duties thereon when imported by sea.

Viz.—

Spirits.—Three rupees per Imperial gallon, the duty to be virtually increased as the strength exceeds London proof.

Fermented Liquors.—One anna per Imperial gallon.

Toddy.—One anna per Imperial gallon.

And from and after the date aforesaid shall be allowed to pass out of the territories of His Highness the Gáikwár and the Rája of Rájpiplá by the roads on which the Customs stations hereinafter established are situate and no others; and that the following Customs stations are hereby established for the levy of such duties, viz.: —

Samor.

Panoli.

Kharach.

(G. N., dated 23rd October 1872; *vide* G. R. No. 5298 of the same date.)

8. His Excellency in Council is pleased to publish the following amended notification in lieu of that published at pages 1114 and 1115 of the *Government Gazette* of the 24th October 1872 :—

Whereas by Act XI of 1869, the Local Government is empowered to declare by notification in the Official Gazette, that the territory of any Native Chief not subject to the jurisdiction of the Courts and Civil authorities of the territories under such Government shall be deemed for the purposes of that Act to be foreign territory, and may declare goods passing into or out of such territory liable to the duties specified in any law for the time being in force relating to the duties of Customs on goods imported and exported by sea. And whereas by Act XXIX of 1857, Customs stations may be established at such places as may be determined by the Governor in Council for the levy of duties on Customs on goods exported by land to, or imported by land from, such foreign territories; and the Governor in Council may prescribe, by public notice in the Official Gazette, by what roads or passes goods shall be allowed to pass into or out of such foreign territory.

Notice is hereby given, that on and after the 1st day of November 1872, the territories of His Highness the Gáikwár, the Rájas of Dharampor and Bánsda, and the Naváb of Baroda shall be deemed, for the purposes of Act XI of 1869, to be foreign territories; and that from and after that date, spirits and fermented liquor of whatever description passing out of the territories of the said His Highness the Gáikwár, the Rájas of Dharampor and Bánsda, and the Naváb of Baroda, into the territory of the British Government, shall be liable to the duties specified in Schedule A to Act XIII of 1871, as the duties thereon when imported by sea, viz.:—

Spirits.—Three rupees per Imperial gallon, the duty to be virtually increased as the strength exceeds London proof;

Fermented Liquors.—One anna per Imperial gallon;

Toddy.—One anna per Imperial gallon;

and from and after the date aforesaid shall be allowed to pass out of the territories of His Highness the Gáikwár, the Rájas of Dharampor and Bánsda, and the Naváb of Baroda, by the roads on which the Customs stations hereinafter established are situate and no others; and that the following Customs stations are hereby established for the levy of such duties, viz.:—

Kudsad and Sáyan...	Táluká	Olpád...	Zilla Surat.
Dubhal and Wurode.	do.	Chorási.	ditto.
Sarbhon	do.	Bárdoli.	ditto.
Ranveri	do.	Chikhli.	ditto.
Chival	do.	Párdi...	ditto.
Kolva	do.	Jalálpor.	ditto.

(G. N. dated 28th January 1873; *vide* G. R No. 487 of the same date.)

9. Under Section 4 of Act XI of 1869, an Act to make better provision for the collection of Land Customs on certain foreign frontiers of the presidencies of Fort St. George and Bombay, the Honourable the Governor in Council is pleased to declare the Native States in this Presidency, as given in the annexed List, to be foreign territories for the purposes of the said Act, and that all opium passing into or out of the said States and territories is liable to the duty specified in Schedule A. of Act XIII* of 1871, or any other law for the time being in force relating to the duties of Customs on goods imported and exported by sea :—

*Repealed by Act XVI of 1875, which has been repealed by Act XI of 1882, which again has been repealed by Act VIII of 1894.

List of Native States connected with the Bombay Presidency.

Baroda.

Kutch.

Káthiáwár.

First Class States-
- Bhávnagar.
- Navánagar.
- Junágad.
- Dhrángadra.
- Porbandar.†

Second Class States—
- Gondal.
- Morvi.
- Limdi.
- Wadhwán.
- Pálitána.
- Rájkot.
- Dhrol.
- Vánkáner and 174 other States of minor importance.

Mahi Kántha.

I'dar and 79 petty States.

Rewa Kántha.

Rájpipla.
Devgad-Báriya.
Lúnáváda.
Bálásinor.
Sunth.
Chhota Udepur and 53 petty States.

Pálanpur.

Pálanpur.
Rádhanpur.
Morváda.
Váv.
Várâhi.
Sántalpur and Chádchat.
Diodar.
Terváda.
Suigám.
Bhábhar.
Tharád in Kánkrej.

Surat.

Dharampor.
Bánsda.
Sachin.

Thána.

Jawhár.

Kolába.

Janjira.

Kaira.

Cambay and 17 petty Thákorates.

Kolhápur and Southern Marátha Country.

Kolhápur.
Sángli.
Miraj (2 branches).
Kurandvád (2 branches).
Jamkhandi.
Mudhol.
Rámdurg.

Sávantvádi.

Sávántvádi.

Dhárwár.

Savanúr.

Sholápur.

Akalkot.

Sátára.

Jath.
Bhor.
Phaltan.
Pant Pritinidhi.

Khándesh.

6 Mewas and 15 Dáng States, also estates of 5 Political Saranjámdárs.

Panch Maháls.

Petty Bhil Estates.

Sind.

Territory of His Highness Mir Ali Murad of Khairpur.

† Temporarily reduced to 3rd Class.

10. Section 2 of Act XXIX of 1857 provided for the levy of Customs on goods passing by land into or out of certain foreign European Settlements; and Section 3 of the same Act provided that the Governor of Bombay in Council had power to declare certain Native States to be foreign territory for the purposes of the Act, and to declare goods passing into and out of them liable to the duties fixed by Act I* of 1852.

Section 2 has been entirely repealed and in its place we now have Section 10 of Act XVI† of 1875 (The Indian Tariff Act). Section 3 was repealed by Section 2 of Act XI† of 1869, and Section 4‡ of Act XI of 1869 is now the law applicable to duties on frontiers of Native States. Although Section 2 of Act XI of 1869 was duly repealed, its repeal did not operate to revive Section 3 of Act XXIX of 1857. The recognised principle is that when an Act repealing, in whole or in part, a former Act is itself repealed, the last repeal does not revive the Act or provisions before repealed, unless words be added reviving them.

The notifications of the Government of Bombay noted in the margin were made under the provisions of Section 4 of Act XI of 1869. In the first notification of 23rd October 1872 (at page 1114 of the *Bombay Government Gazette*, 1872), the territories of His Highness the Gáikwár, the Rájas of Dharampor and Bánsda, and the Naváb of Baroda are declared to be foreign territories for the purposes of Act XI of 1869. The same notification declares that "spirits and fermented liquors" passing out of those territories into British territory will be liable to the duties specified for those goods in Schedule A of Act XIII§ of 1871 (The Indian Tariff Act).

As this notification expressly mentions the duties leviable under Act XIII of 1871 and as that Act is no longer in force, the notification so far as it relates to the said duties is no longer in force.

In the second notification of the same date the territories of His Highness the Gaikwár and the Rája of Rájpipla are declared to be foreign territories for the purposes of Act XI of 1869; and "spirits and fermented liquors" are declared liable to the duties specified in Schedule A of Act XIII of 1871 (The Indian Tariff Act). This notification also, so far as it relates to those duties, is no longer in force.

Section 4 of Act XI of 1869 provides that the Local Government may declare goods passing into and out of such territories liable to the duties specified "in the law for the time being in force relating to the duties of Customs on goods imported and exported by sea," and goods so passing shall thereupon be liable to those duties. Accordingly to render "spirits and fermented liquors" passing from those territories liable to the duties specified in the schedule of Act XVI of 1875 (The Indian Tariff Act) fresh notifications under Section 4 of Act XI of 1869 would be necessary.

* Repealed by Act XIII of 1871, which has been repealed by Act XVI of 1875, which has been repealed by Act XI of 1882, which again has been repealed by Act VIII of 1894.

† Acts XVI of 1875 and XI of 1869 have been repealed by Act XI of 1882, which has been repealed by Act VIII of 1894.

‡ Cf. Section 5 of Act VIII of 1894.

G. N. dated 23rd October 1872, published at p. 1114 and 1115 of the *B. G. G.* of 24th idem.
G. N. dated 11th January 1870, published at p. 19 of the *B. G. G.* of 13th idem.

§ Repealed by Act XVI of 1875, which has been repealed by Act XI of 1882, which has been repealed by Act VIII of 1894.

Section 9 of the A'bkári Act, 1878, provides that no liquor or intoxicating drug shall be imported by land or by sea into any part of the Presidency of Bombay "unless it is liable to the payment of duty under the Indian Tariff Act, 1875," saving the power of the Collector under the order of Government to allow such liquor, &c., to pass on payment of the A'bkári duties or on such other terms as he may see fit.

It follows, therefore, that "spirits and fermented liquors" passing from the above mentioned foreign territories may be dealt with under the A'bkári Act, 1878, and that the notifications being no longer in force need not be expressly cancelled.

So too, with regard to the third notification of the 11th January 1870 declaring the dominions of His Highness the Nizám to be foreign territory for the purposes of Act XI of 1869, as liquor and intoxicating drugs have not been declared in that notification liable to the duties specified in the Indian Tariff Act, 1875, when imported into British India they may be dealt with under the A'bkári Act, 1878.

(L. R. No. 617, dated 21st May 1881; *vide* G. R. No. 3224, dated 4th June 1881.)

11. In exercise of the power conferred by Section 6 of Act XXIX of 1857 and in supersession of the notifications* mentioned in the margin, the Governor in Council is pleased to prescribe the undermentioned as the only routes by which goods will be allowed to pass into or out of the Portuguese possession of Goa and Daman respectively, namely :—

*No. 314 published at p. 31 of the B. G. G. for 1892, Part I. No. 3885, published at p. 376 of the B. G. G. for 1892, Part I.

(1) Into or out of Goa :—

From or to the Ratnágiri and Belgaum Districts :

1. By the Bánda Náka.
2. By the Dodámárg Náka.

From or to the Belgaum District :

3. By the Kelghát.

From or to any part of British India by rail :

4. By the Castle Rock Náka on the Southern Marátha Railway.

From or to the Kánara District :

5. By the Digi Ghát.
6. By the Mazali Náka.

(2) Into or out of Daman :—

From or to the Surat District :

1. By the Kunta Náka.
2. By the Chála Náka.
3. By the Kolak Náka.

From or to the Thána District :

4. By the Patharpunja Náka.
5. By the Kalaipar Náka.

(G. Ns. Nos. 7644, dated 26th September 1892, and 8398, dated 25th October 1892.)

XXI.—PORTS, PORT DUES AND PORT FUNDS.

1. Under the provisions of Act V of 1868, Section 2, the Governor of Bombay in Council, with the consent of the Governor General of India in Council, is hereby pleased to delegate to the Commissioner in Sind all the powers conferred on the Governor of Bombay in Council, as the Local Government of the Province of Sind, by the Indian* Ports Act, 1875.

*Repealed Act X of 1889.

(G. N. No. 2738, dated 26th May 1880.)

The word "document" as used in Section 2 (3) of the Indian Ports Act, X of 1889, is sufficiently wide in its meaning to include a notification, and therefore the above notification would be construed as referring, on the repeal of Act XII of 1875, to Act X of 1889. (L. R. No. 924, dated 29th July 1889; *vide* G. R. No. 5883, dated 13th August 1889.)

2. Port Officers referred to in Section 3 (2) of the Indian Ports Act, X of 1889, are also designated Marine Transport Officers, as they superintend the embarking and disembarking of troops, but they will not receive any addition to their salaries in consequence. (G. R. No. 129, dated 17th May 1893, Marine Department.)

3. In supersession of the notification published at page 754 of the *Bombay Government Gazette* dated 13th May 1858, it is hereby notified that, in pursuance of the provision contained in Section 5† of the Indian Ports Act, XII of 1875, His Excellency the Governor in Council is pleased, with the previous sanction of the Governor General in Council, to extend specially the provisions of Sections‡ 38, 39, 40 and 41 of the said Act to the port of Karáchi.

†Cf. Section 5 of the Indian Ports Act, 1889.

‡Cf. Sections 31, 32, Ibid.

The limits of the port of Karáchi are, with the like sanction and subject to the rights referred to in Section 5 of Act XII of 1875, hereby declared under Section 6§ of the same Act to be the following :—

§Cf. Section 5, Ibid.

From the extreme end of Manora Point to the end of breakwater, and from it in a line due east to the shore of Ghizri, and thence by high water mark up the Chini Creek and round the head of all the creeks in the eastern, northern and western parts of the harbour by Baba Point, and along the shore of Manora Spit to Manora Point.

(G. N. dated 17th October 1877.)

4. With the previous sanction of His Excellency the Governor General in Council His Excellency the Governor in Council is pleased, under the authority vested in him by Section 4 (*a*) of the Indian Ports Act, X of 1889, to extend the said Act to the ports of (1) Belikeri and (2) Manki. The limits of these ports are now declared to be as follows :—

(1) *Belikeri.*—A line from Kodargudda Point to Belikeri Point and the coast banks, &c., within that line up to high water mark (spring tides)

(2) *Manki.*—A line due south from the west point of Manki dung hill for a mile and half, and thence due east to the shore, the coast within that line up to high water mark (spring tides).

Under Sections 33 and 37 of the same Act, His Excellency the Governor in Council is pleased to declare that the amount of port dues to be levied on vessels entering these ports, and the conditions under which such dues shall be levied shall be the same as are now applicable to, and in force in the ports forming the southern group of ports named in the first schedule of the Act.

(G. N. No. 9543, dated 18th December 1889.)

5. In exercise of the powers conferred by Section 6 of the Indian Ports Act, 1889,* His Excellency the Governor in Council is pleased to make the following rules to be observed in the ports named below :—

* X of 1889.

Belápur.	Bánkot.
Morá.	Harnai.
Thal.	Anjanvel.
Mándva.	Jaygad.
Dharamtar.	Ratnágiri.
Nágothna	Jaytápur.
Karanja.	Viziádurg.
Revas.	Devgad.
Alibág.	Málvan.
Revdánda.	Vengurla.

(1) No steamer touching at any of the aforesaid ports shall take in or discharge any passengers unless before beginning to do so, and during the whole time that she is doing so, there is exhibited at her fore or main mast, or in some other position in which it can most easily be distinguished, a signal as described below :—

(*a*) *Signal between sunrise and sunset*—

The Rendezvous Flag (blue and white chequers : letter N of the Commercial Code).

(*b*) *Signal between sunset and sunrise*—

A red light.

(2) Every such steamer shall anchor before exhibiting any signal required by Rule I, and shall remain anchored during the whole of the time that it is exhibited, unless the conditions of weather, tide, &c., should be such that the safety of the vessel or of boats approaching it would be thereby endangered.

(3) No boat shall ply, whether for hire or otherwise, in or from any of the ports specified, unless licensed for the purpose by the Collector of Salt Revenue or other officer authorized by him. Licenses shall be issued annually, and shall remain in force from the 1st October in one year to the 30th September of the year following, but shall be liable at the discretion of the Collector of Salt Revenue to suspension or revocation in case of any breach of these rules or other misconduct on the part of the licensee or his employés.

(4) The person in charge of every such boat plying for hire shall be provided by the licensee with a table of fares to be charged, signed by such licensee and by the chief officer of Customs at the port. Such table of fares shall be shown to any passenger on demand. Any attempt to extort fares in excess of those specified in the said table shall entail forfeiture of the license.

(5) Every license shall be in the form hereto annexed. It shall be issued to the owner of the boat or his recognized agent, and shall be kept on board when such boat is plying for hire.

(6) Every license shall specify the registered number of the boat, the port of registry, the name of the owner or agent, and the number of the crew. It shall further specify the number of passengers, and the weight of goods which such boat shall be entitled to carry. It shall also prescribe the number of masts, yards, sails, oars, boat-hooks, poles, fenders and other articles which shall constitute the equipment of the boat.

(7) In calculating the number of passengers, and the weight of goods which a boat shall be allowed to carry, two children, unless they are both in arms, shall be reckoned as equal to one adult, and two Indian maunds weight of goods shall be reckoned as equal to one adult. Children in arms shall not be reckoned.

(8) No boat shall under any circumstances ply, whether for hire or otherwise, without having on board the full crew and equipment named in the license: provided that if the boat is one propelled by sails as well as oars, it shall be optional to carry the sails, masts and yards.

(9) Every boat when actually plying, whether for hire or otherwise, under these rules between sunset and sunrise shall show a white light above the bows.

*(10) No boat plying, whether for hire or otherwise, under these rules shall in any case go alongside any coasting or ferry-steamer until such steamer shall have exhibited a signal, as described below, to signify that she is ready to receive and disembark passengers.

*Government Notification No.7939, dated 7th November 1890.

(a) *Signal between sunrise and sunset*—

The Rendezvous Flag (blue and white chequers: letter N of the Commercial Code) at the fore or main mast-head or other conspicuous position, or

(b) *Signal between sunset and sunrise.*

A red light in the position.

(11) Every license issued under these rules shall be shown on demand to any Customs officer or to any passenger on board the boat in respect of which it has been issued.

(12) No such license shall be transferable except with the permission of the Collector of Salt

Revenue, and no fee shall be payable in respect of any such license.

Form of License.

Port—

No. of boat—

Names of owners—

Name of agent—

No. of crew—

Equipment—

License to carry passen ers or maunds weight of goods.

This license is issued under the rules published by Government at page 176 of Part I of the *Bombay Government Gazette* for 1890 under Section 6 of the Indian Ports Act (X of 1889). It is not transferable except with the permission of the Collector of Salt Revenue, and is liable at the discretion of that officer to suspension or revocation in case of any breach of the rules or other misconduct on the part of the licensee or his employés. (G. Ns. Nos. 1735, dated 5th March 1890, and 7929, dated 7th November 1890.)

6. The number of passengers which the boats plying between the steamer and the shore are entitled to carry as fixed under No. 6 of the above rules, should be marked conspicuously on each boat. The weight of luggage which such boats may carry should also be marked in the same way on each boat. (G. R. No. 3257, dated 5th May 1893.)

7. In exercise of the power conferred by subsection (1) of Section 6 of the Indian Ports Act (X of 1889), the Governor in Council is pleased to make the following rules in respect of native vessels in the port of Bombay which, under Section 31 (3) of that Act, are not brought into the port by pilots, viz. :—

1. In these rules, unless where the contrary appears from the context, "vessel" means a native vessel such as aforesaid, and "anchorage" means an anchorage at which it is for the time being directed by the Chief Customs Authority under Section 17 of the Sea Customs Act, 1878, that such vessels shall anchor.

2. All the cargo of a vessel which is bound, on arrival, to anchor at the dutiable anchorage, shall be discharged at that anchorage, except

(*a*) cargo for transhipment overside to a vessel which is not a vessel to which these rules apply ;

(*b*) when the vessel has come from Customs ports only, and all the dutiable and restricted cargo has been accounted for, any free and unrestricted cargo which she carries ;

(*c*) laddi-stones, firewood, fresh fruit, and heavy packages.

3. A vessel which has come from Customs ports only may discharge any free and unrestrict-

ed cargo which she carries, after having accounted for her dutiable and restricted cargo, if any, at any anchorage or at any wharf where the same may lawfully be landed.

4. (1) All goods for shipment on a vessel which has obtained entry outwards for a foreign port or which has any dutiable or restricted goods on board, and all dutiable and restricted goods for shipment on any vessel, shall be shipped at the receiving line of the dutiable anchorage, except

(*a*) goods transhipped overside from another vessel;

(*b*) heavy packages.

(2) Goods transhipped overside from another vessel shall be received at the receiving line of the dutiable anchorage, if the discharging vessel is a vessel to which these rules apply; in any other case, the receiving vessel shall return to the dutiable anchorage as soon as the transhipment is completed.

5. Free and unrestricted goods may be received by a vessel which has obtained entry outwards for Customs ports only and which has no dutiable or restricted goods on board at any anchorage or at any wharf where the same may lawfully be water-borne.

6. No vessel shall move from the line of anchorage or wharf at which she is anchored without the permission of the preventive officer in charge of such anchorage or wharf.

7. Such permission may be given orally by the preventive officer to the master of a vessel if it is required for any of the following purposes, viz.:

(*a*) to leave the port, if the vessel has obtained port clearance;

(*b*) to proceed to another line of anchorage or wharf in order to receive or discharge cargo in accordance with these rules;

(*c*) to perform direct transhipment in accordance with these rules;

(*d*) to go on to the hard for cleaning or repairing, if the vessel is empty.

8. Such permission shall not be given by the preventive officer, without an order from the Superintendent of the Preventive Service, if it is required for any of the following purposes, viz.:

(*a*) to go and anchor off the Government Dockyard to be measured by the Port authorities;

(*b*) to go on to the hard for cleaning or repairs, if the vessel is partly laden;

(*c*) to proceed to another line of anchorage or wharf in any case not provided for in the preceding rules.

(G. N. No. 6615, dated 17th August 1892.)

8. In exercise of the powers conferred by Section 6 of the Indian Ports Act, 1889, His Excellency the Governor in Council is pleased to make the following rules to be observed in the port of Panvel, the limits whereof have been defined by the Government notification published at pages 423 to 429 of the *Bombay Government Gazette*, Part I of 1867:—

Rules.

1. No steamer touching at the port of Panvel shall take in or discharge any passenger unless before beginning to do so, and during the whole time that she is doing so, there is exhibited at her fore or main mast, or in some other position in which it can most easily be distinguished, a signal as described below:

(*a*) *Signal between sunrise and sunset.*

The Rendezvous Flag (blue and white chequers: letter N of the Commercial Code).

(*b*) *Signal between sunset and sunrise.*

A red light.

2. Every such steamer shall anchor before exhibiting any signal required by Rule 1, and shall remain anchored during the whole of the time that it is exhibited, unless the conditions of weather, tide, &c., should be such that the safety of the vessel or of boats approaching it would be thereby endangered.

3. No boat shall ply, whether for hire or otherwise, in or from the said port unless licensed for the purpose by the Collector of Salt Revenue or other officer authorized by him. Licenses shall be issued annually and shall remain in force from the 1st October in one year to the 30th September of the year following, but shall be liable at the discretion of the Collector of Salt Revenue to suspension or revocation in case of any breach of these rules or other misconduct on the part of the licensee or his employés.

4. The person in charge of every such boat plying for hire shall be provided by the licensee with a table of fares to be charged, signed by such licensee and by the chief Officer of Customs at the port. Such table of fares shall be shown to any passenger on demand. Any attempt to extort fares in excess of those specified in the said table shall entail forfeiture of the license.

5. Every license shall be in the form hereto annexed. It shall be issued to the owner of the boat or his recognized agent, and shall be kept on board when such boat is plying for hire.

6. Every license shall specify the registered number of the boat, the port of registry, the name of the owner or agent, and the number of the crew. It shall further specify the number of passengers and the weight of goods which such boat shall be entitled to carry. It shall also prescribe the number of masts, yards, sails, oars,

boat-hooks, poles, fenders and other articles which shall constitute the equipment of the boat.

7. In calculating the number of passengers and the weight of goods which a boat shall be allowed to carry, two children, unless they are both in arms, shall be reckoned as equal to one adult, and two Indian maunds weight of goods shall be reckoned as equal to one adult. Children in arms shall not be reckoned.

8. No boat shall under any circumstances ply, whether for hire or otherwise, without having on board the full crew and equipment named in the license: provided that if the boat is one propelled by sails as well as oars, it shall be optional to carry the sails, masts and yards.

9. Every boat, when actually plying, whether for hire or otherwise, under these rules between sunset and sunrise, shall show a white light above the bows.

10. No boat plying, whether for hire or otherwise, under these rules shall in any case go alongside any coasting or ferry steamer until such steamer shall have exhibited a signal, as described below, to signify that she is ready to receive and disembark passengers.

(*a*) *Signal between sunrise and sunset.*

The Rendezvous Flag (blue and white chequers: letter N of the Commercial Code) at the fore or main mast head or other conspicuous position, or

(*b*) *Signal between sunset and sunrise.*

A red light in the same position.

11. Every license issued under these rules shall be shown on demand to any Customs officer or to any passenger on board the boat in respect of which it has been issued.

12. No such license shall be transferable except with the permission of the Collector of Salt Revenue, and no fee shall be payable in respect of any such license.

Form of License.

Port—

No. of boat—

Names of owners—

Name of agent—

No. of crew—

Equipment—

Licensed to carry passengers or maunds weight of goods.

This license is issued under the rules published by Government at page of Part I of the *Bombay Government Gazette* for 189 under Section 6 of the Indian Ports Act (X of 1889). It is not transferable except with the permission of the Collector of Salt Revenue, and is liable at the discretion of that officer to suspension or

revocation in case of any breach of the rules or other misconduct on the part of the license or his employés.

(G. N. No. 3202, dated 3rd May 1893.*)

9. In exercise of the power conferred by Section 6, clause (*p*) of the Indian Ports Act, X of 1889, the Governor in Council is pleased, with the previous sanction of the Governor General in Council, to make the following rules for the medical inspection of vessels and to publish them for general information :—

I.—The Master of every vessel in or entering port on board of which there is or has been during the voyage from which she is arriving or has last arrived, either among the passengers or crew any case of cholera, small-pox, or other epidemic disease common in India, or of measles or scarlatina, or if two or more deaths from unknown or suspicious causes have occurred on the voyage, shall report such case or cases at the earliest possible moment to the Health Officer of the Port, unless it shall appear that notice has already been received by that officer through the Pilot or by signal or otherwise as provided for by Rule II.

II.—If the vessel is coming into port the Master shall report such case or cases to the Pilot or other boarding officer at the earliest opportunity, or if she be not boarded or is already at anchor within port limits shall hoist a signal which shall be during the day the Flag R of the Commercial Code at the main and during the night 3 lights, viz. red, white and red one above the other at the same place and shall also verbally by an officer or in writing inform the officer in charge of the Police Hulk. If the vessel be in Dock, the report should be made at the Dock Master's Office.

It shall be the duty of Pilot or other officer to whom any such report is made to communicate the same directly to the Health Officer of the Port. The Port Officer or Officer in charge of the Police Hulk in any case of which he has received information from a Pilot or other officer, or by signal, and the Officer in charge at the Dock Master's Office in any case reported there, shall forthwith communicate the information to the Health Officer of the Port and shall inform the Master of his having done so.

Pending the arrival of the Health Officer the Master should act as laid down in Rules V and VI.

III.—The Health Officer, as early as possible after receipt of any report of the nature contem-

* For rules made by the Commissioner in Sind under Section 6 (1) of the Ports Act, 1889, for the port of Karáchi, *vide* that officer's notifications Nos. 1061, dated 11th July 1891, 1299, dated 18th July 1892, 1354, dated 27th July 1892, and 373, dated 15th February 1893, published in the *Sind Official Gazette*.

For the Aden Port Rules *vide* Government Notification, Marine Department, No. 55, dated 2nd May 1893.

plated in Rules I and II, shall inspect the vessel, more especially with reference to its sanitary condition; shall enquire into the circumstances attending the case or cases of the said disease; and shall with the assistance of the Police and Municipal authorities arrange for the conveyance of all persons suffering from such disease to a hospital, unless the sick person or his friends can make adequate provision elsewhere, and for the separation and disinfection or destruction of any infected bedding, clothes, or cargo.

IV.—Provided that no onward bound passengers shall be removed from the vessel and no cargo or property shall be destroyed, otherwise than with the consent of the Master of the vessel or of the owner except under the clearest necessity—and of every such case a special report explaining the reasons for the action taken must be submitted to Government.

V.—No vessel coming under Rule I shall enter Dock without the permission of the Health Officer of the Port. But where the disease or diseases in question are limited to one or two cases, she shall not be prohibited from proceeding to or remaining at the usual place of anchorage in the harbour, nor as a rule need the passengers or crew be detained on board pending the inspection of the Health Officer. But the Master of the vessel shall be held responsible that all suitable precautions are taken to prevent the spread of the disease, and that no passenger suspected of having such disease is allowed to depart, and no bedding, cargo, or other article which has been tainted by the discharges of, or by contact with persons suffering from such disease is landed before the inspection.

VI.—Where cases have been more numerous than one or two, or when from their occurring on Pilgrim or Emigrant ships or for other special reasons further precautions may be deemed advisable, the vessel shall proceed or be removed as soon as possible to the anchorage appointed for the purpose, and none of the passengers or crew shall be allowed to leave, nor in the case of undecked vessels shall any cargo be disturbed until the Health Officer has made his inspection and has taken such measures as he considers necessary.

VII.—Vessels coming under the last rule shall remain at the appointed anchorage and shall fly the flag Q by day at the main and by night exhibit two red lights one above the other at the main till they have been thoroughly cleansed and fumigated, all other precautions considered necessary by the Health Officer have been taken and permission has been given by him for them to proceed on their voyage or to the usual place of anchorage Provided that all of the passengers and crew who on inspection by the Health Officer are found healthy may be allowed to leave at once under such precautions as he may consider necessary, the

Health Officer of the Municipality being warned of the action taken.

In the case of small-pox it shall be the duty of the Health Officer of the Port to cause to be vaccinated all those on board who appear to require this protection and who are willing to accept it.

VIII.—No person dying of any infectious disease of the nature contemplated in these or in the Quarantine Rules shall be buried by sea burial within 10 miles of the port. Persons dying of such disease in port shall be burnt or, where burning is impossible, buried on shore. Bodies may be given to the relations or friends of the deceased for disposal, the Health Officers of the Port and Municipality and the Police being informed. The latter shall take steps to see that the burning or burying is carried out without undue delay and that proper precautions are taken against the spread of the disease.

In the absence of friends or relations the expense of disposing the corpse must be borne by the Master or owner of the vesssel, who will be held responsible that the requirements of this rule are attended to. In the case of infectious diseases in an epidemic form occurring among the Shipping and Native Craft, they will be removed to the appointed anchorage under arrangements to be made by the Port Officer and the corpses either buried or burned on shore under special arrangements to be made by the Water Police.

IX.—All officers of Customs, Port Trust, Water and Dock Police, the Executive Health Officer of the Municipality and the Resident Surgeons of Public Hospitals should immediately communicate to the Heath Officer of the Port information of any case of infectious disease among the shipping, on the foreshore, or in places frequented by seamen that may come to their notice.

(G. N. No. 3873, dated 18th September 1889, G. R., G. D., No. 4106, dated 2nd October 1889, and G. R., G. D., No. 175, dated 17th January 1893.)

10. The following Rules for the port of Karáchi are made under the provisions of Act X of 1889, "The Indian Ports Act" :—

Section 6 (*a*).

Entering or leaving Port.

1. All sea-going vessels on entering or leaving the port shall fly their national flag, and when entering port each vessel shall show her number.

2. No sea-going vessel shall leave the port at any time between sunset and sunrise, or on a Sunday, New Year's Day, Good Friday, Queen's Birthday, or Christmas Day, unless the Conservator shall be satisfied that there are sufficient reasons why the vessel should be allowed to leave at such time, or on such day, and then only upon payment of an extra fee of Rs. 15.

3. Tindals of all foreign or coasting craft shall report their arrival at, and departure from, any of the authorized landing-places, to the officer appointed by the Trustees of the port of Karáchi for the collection of fees at the Wharfage Office.

Section 6 (*b*).

Berths of Vessels.

4. All vessels within the port shall take up such berths as may be assigned them by the Conservator, and shall change their berth, or remove, when required by him.

Section 6 (*c*).

Striking Yards and Masts.

5. All vessels within the port shall have their flying jib-booms rigged in, and shall, if ordered by the Conservator, rig in their jib and driver-booms, top up, or strike yards or masts.

Section 6 (*d*.)

Regulation of Boats, removal, and placing of anchors, &c.

6. Not more than two tiers of cargo-boats or lighters shall be permitted to hang alongside or astern of vessels at moorings, nor shall anchors be cock-billed or spars be allowed to hang alongside or astern.

Section 6 (*e*).

Regulations for loading and discharging alongside a wharf.

7. No cargo shall be discharged from a vessel alongside any wharf, except under the superintendence on board of such vessel of the Master or other qualified officer of such vessel, or of a licensed Stevedore or Muccadum. Such Master or other qualified officer, Stevedore or Muccadum shall see to and be personally responsible for the proper slinging of cargo on board of such vessel when discharging, and shall see that the crane chain is not taken out of the square of the hatchway, and that the hook or cargo in slings does not catch the combings or jam under: and who shall also superintend the taking off and putting on of the beams and hatches, and shall see that the men keep out of danger on deck and do not stand under the hoist.

8. Masters or other qualified officers of vessels and the Stevedores or Muccadums who may be employed on such vessel, shall see and be responsible that loads exceeding the weight marked on each crane are not hoisted by such crane.

Section 6 (*f*).

Keeping free passages.

9. Free passage is to be kept at all piers, jetties, wharves, landing-place, docks and moorings, and all vessels and boats shall move when required to clear such passage.

10. The owner or Tindal of any foreign or native craft or boat obstructing the approach to any wharf jetty or landing-place by remaining alongside when ordered to remove by the Conservator or other officer appointed by the Trustees of the port of Karáchi, shall be liable to the penalty prescribed in Section 8 (2) of Act X of 1889, if he does not move when required to do so by the Port Officer or other officer appointed by the Trustees of the Port of Karáchi.

Section 6 (*g*).

Anchoring and Mooring.

11. All vessels within the ports shall moor or unmoor according to the orders of the Conservator, and shall keep clear hawse, and when a vessel has taken up her anchorage, the anchor shall not be raised without the permission of the Conservator.

12. All vessels approaching the wharf shall have in readiness and supply for use such (steel-wire or other) hawsers as may be required, also guy-lines of at least 30 fathoms in length for each bow and quarter, and such other ropes, lines and fenders, &c., as may be necessary to facilitate and protect the vessel from injury whilst hauling alongside or off the wharf.

Section 6 (*h*).

Moving or Warping.

13. All vessels within the port shall be moved or warped from place to place, as required by the Conservator.

14. The Conservator will, if he sees no objection, grant permission for any vessel to be moved from one mooring or anchorage to another, on a written application being made to him to that effect.

Section 6 (*i*).

Use of Mooring Buoys.

15. No vessel shall use any of the Port Trust moorings, fixed or swinging, without the permission of the Conservator.

16. Steam-vessels occupying moorings shall not turn their screws or paddles, without giving sufficient warning of the intention to boats in the vicinity; they shall not put full-power on when trying their engines at the moorings, nor shall any trial under steam be permitted so long as a vessel is lying at the wharves.

Section 6 (*j*).

Rates for the use of Moorings.

17. For the use of moorings belonging to Government, such rates shall be paid as may be from time to time fixed by the Conservator, with the previous sanction of the Commissioner in Sind.

Section 6 (k).

Regulations for Boat Traffic.

18. Only cargo and passenger boats which have been duly licensed will be allowed to ply for hire in the port.

19. No passenger boat shall carry a greater number of passengers than that shown in the license.

20. Passenger boats waiting for hire shall lay at a distance of not less than 15 yards from any authorized landing-place, unless when actually taking in or discharging passengers.

21. The license of any passenger boat obstructing any landing-pace will be suspended or cancelled at the discretion of the Port Officer.

22. The Port Officer may suspend or cancel the license of any boat which he may consider is not provided with suitable gear.

23. All passenger boats shall be manned as follows:—

1st and 2nd class boats with a crew of 4 men.

3rd class boats „ of 3 men.

24. No passenger boat shall be secured to any steps.

24 (*a*). Boats, when under weigh, shall observe the rule of the road at sea enacted by Her Majesty's Order in Council, dated 27*th November 1896.*

"*Vide Sind Official Gazette*, dated 31st December 1896, at page 722."

"*Vide Sind Official Gazette*, dated 25th November 1897, at page 646."

24 (*b*). When two boats, one being propelled by sails and the other by oars, are proceeding on a course which, if continued, will involve the risk of collision, the boat propelled by oars shall keep out of the way of the other, but the boat under sail shall use every precaution to avoid accident, and, if necessary, shall alter its course.

"*Vide Sind Official Gazette*, dated 31st December 1896, at page 722."

25. Tugs, launches, or other boats propelled by steam, when not towing, shall keep out of the way of all other boats.

Section 6 (l).

Regulation for the use of Lights.

26. The Masters of vessels shall be responsible that sufficient and properly protected lights are provided in those parts of the ship where work is going on, *and no fires shall be lighted or maintained unless duly protected, and one or more of the crew be placed in charge of the same.*

"Amended: *vide Sind Official Gazette*, dated 21st July 1892, at page 55."

27. All vessels of whatever rig or denomination, within the limits of the port, shall, between sunset and sunrise, exhibit the lights prescribed in Her Majesty's Order in Council, dated 27th November 1896.

27 (*a*). Vessels, when moored in the stream or berthed or secured at any of the authorized landing places, shall exhibit the lights prescribed in Article II of the said Order, which are to be not less than 8 inches in diameter.

Exception.

27 (*b*). Cargo-boats and barges from 20 to 100 tons may, in lieu of the lights prescribed for such vessels when under way, exhibit the lights prescribed for vessels under 20 tons in Article 7 (3) of the said Order, *viz.*, a lantern with green glass on one side, and a red glass on the other; while any vessel when berthed or secured in not more than three tiers at the Native Jetty or Napier Mole Boat Wharf, or laid up on fore shores for shelter, &c., or moored inside the various piers at Manora, need not exhibit the light required by Rule 27 (*a*).

Section 6 (*n*.)

Regulation as to number of Crew.

"Amended: *vide Sind Official Gazette*, dated 21st July 1892, at page 55."

28. All vessels when afloat within the port shall have on board a sufficient number of the crew to perform any duty which may become necessary for the safety of the vessel *and for moving or shifting the vessel*, veering or heaving in cable, bracing up the yards, striking masts and yards, on any emergency arising.

Section 6 (*o*).

Cleaning or Painting Vessels.

29. The Masters of all vessels in port shall take such precautions, when men are engaged in painting or cleaning their vessels, as the Port Officer may direct, and the Admiralty Regulations shall be observed by Masters of all vessels when men are working in the bilges, boilers, or double bottoms of vessels in the port.

Section 6 (*p*).

Regulation as to disease, sickness, or death on board a Vessel.

30. The Master of every vessel in or entering port, on board of which there is, or has been, during the voyage from which she is arriving, or has last arrived, either among the passengers or crew, any case of cholera, small-pox, or other epidemic disease common in India, or of measles or scarlatina, or, if two or more deaths from unknown or suspicious causes have occurred on the voyage, shall report such case or cases at the earliest possible moment to to Health Officer of the Port, unless it shall appear that notice has already been received by that officer through the Pilot, or by signal, or otherwise as provided for by Rule 31.

31. If the vessel is coming into port, the Master shall report such case or cases to the Pilot or other boarding officer at the earliest opportunity, or, if she be not boarded or is already at anchor within port limits, shall hoist a signal, which shall be during the day the Flag R of the Commercial Code at the main, and during the night *three lights*, viz., *red, white and red*, one above the other, at the same place, and shall also verbally by an officer or in writing inform the officer in charge of the Police Hulk. If the vessel be in dock, the report should be made at the Dock Master's Office.

"Amended: *vide Sind Official Gazette*, dated 16th February 1892, at page 135."

It shall be the duty of the Pilot or other officer to whom any such report is made, to communicate the same directly to the Health Officer of the Port. The Port Officer or officer in charge of the Police Hulk, in any case of which he has received information from a Pilot or other officer, or by signal, and the officer in charge at the Dock Master's Office, in any case reported there, shall forthwith communicate the information to the Health Officer of the Port, and shall inform the Master of his having done so.

Pending the arrival of the Health Officer, the Master should act as laid down in Rules 34 and 35.

32. The Health Officer, as early as possible, after receipt of any report of the nature contemplated in Rules 30 and 31, shall inspect the vessel, more especially with reference to its sanitary condition; shall enquire into the circumstances attending the case or cases of the said disease; and shall, with the assistance of the Police and Municipal authorities, arrange for the conveyance of all persons suffering from such disease to a hospital, unless the sick person or his friends can make adequate provision elsewhere, and for the separation and disinfection, or destruction of any infected bedding, clothes, or cargo.

33. Provided that no onward bound passengers shall be removed from the vessel, and no cargo or property shall be destroyed, otherwise than with the consent of the Master of the vessel or the owner, except under the clearest necessity: and of every such case a special report, explaining the reasons for the action taken, must be submitted to Government.

34. No vessel coming under Rule 30 shall enter dock without the permission of the Health Officer of the Port. But where the disease or diseases in question are limited to one or two cases, she shall not be prohibited from proceeding to or remaining at the usual place of anchorage in the harbour, nor as a rule need the passengers or crew be detained on board pending the inspection of the Health Officer. But the Master of the vessel shall be held responsible that all suitable precautions are taken to prevent the spread of the disease, and that no passenger suspected of having such disease is

allowed to depart, and no bedding, cargo, or other article which has been tainted by the discharges of, or by contact with, persons suffering from such disease is landed before the inspection.

35. Where cases have been more numerous than one or two, or when from their occurring on Pilgrim or Emigrant Ships, or for other special reasons further precautions may be deemed advisable, the vessel shall proceed or be removed as soon as possible to the anchorage appointed for the purpose, and none of the passengers or crew shall be allowed to leave, nor, in the case of undecked vessels, shall any cargo be disturbed, until the Health Officer has made his inspection, and has taken such measures as he considers necessary.

36. Vessels coming under the last rule shall remain at the appointed anchorage, and shall fly the Flag Q by day at the main, and by night exhibit *two red lights*, one above the other, at the main till they have been thoroughly cleansed and fumigated, all other precautions considered necessary by the Health Officer have been taken, and permission has been given by him for them to proceed on their voyage, or to the usual place of anchorage. Provided that all of the passengers and crew who, on inspection by the Health Officer, are found healthy may be allowed to leave at once under such precautions as he may consider necessary, the Health Officer of the Municipality being warned of the action taken.

In the case of small-pox, it shall be the duty of the Health Officer of the Port to cause to be vaccinated all those on board who appear to require this protection, and who are willing to accept it.

37. No person dying of any infectious disease of the nature contemplated in these or in the Quarantine rules shall be buried by sea burial within 10 miles of the port. Persons dying of the such disease in port shall be burnt, or, where burning is impossible, buried on shore. Bodies may be given to the relations or friends of the deceased for disposal, the Health Officer of the Port and Municipality and the Police being informed. The latter shall take steps to see that the burning or burying is carried out without undue delay, and that proper precautions are taken against the spread of the disease.

In the absence of friends or relations, the expense of disposing of the corpse must be borne by the Master or owner of the vessel, who will be held responsible that the requirements of this rule are attended to. In the case of infectious diseases in an epidemic form occurring among the Shipping and Native Craft, they will be removed to the appointed anchorage under arrangements to be made by the Port Officer, and the corpses either buried or burned on shore under special arrangements to be made by the Water Police.

38. All Officers of Customs, Port Trust, Water and Dock Police, the Executive Health Officer of the Municipality, and the Resident Surgeon of

Public Hospitals, should immediately communicate to the Health Officer of the Port information of any case of infectious disease among the shipping, on the foreshore, or in places frequented by seamen that may come to their notice.

(Notifications of the Commissioner in Sind, No. 1061, dated 11th July 1891, and No. 5052, dated 8th November 1898.)

11. His Excellency the Governor in Council is pleased to declare under clause (*b*)* of Section 8 of the Indian Ports Act, 1875, that the Conservator of the Port of Aden is subject to the control of the Political Resident. (G. N. dated 23rd December 1876; *vide* G. R. No. 7560 of the same date.)

* Cf. Section 7 (1) of the Indian Ports Act, 1889.

12. In supersession of his Notification No. 715, dated 1st June 1888, published at page 566 of the *Sind Official Gazette* of the 7th idem, issued under Section 8 of Act XII of 1875 (now Section 7 (1) of the Indian Ports Act, X of 1889), the Commissioner in Sind, in exercise of the powers delegated to him by Notification No. 2738, dated 26th May 1880, hereby appoints the Trustees of the port of Karáchi as constituted under Bombay Act VI of 1886 (The Karáchi Port Trust Act) to be the Conservators of the port of Karáchi under Section 7 (1) of Act X of 1889. (Notification of the Commissioner in Sind, No. 1424, dated 27th June 1894.)

13. His Excellency the Governor in Council is hereby pleased to direct that, for the purposes of Section 18† of the Indian Ports Act, 1889, all officers in charge of Customs Houses, under the control of the Collector of Salt Revenue, shall be Assistants to the Conservator of each of the ports, within their respective ranges, to which the said Act now is, or may hereafter at any time become applicable. (G. N. No. 789, dated 13th February 1878.)

†Cf. Section 68 of Act X of 1889.

14. The Collector of Salt Revenue is also Conservator of the port of Kárwár and is vested with the control of the Port Funds, and the Collector of Kánara should abstain from any interference with the port establishment at that place. (G. R. No. 3139, dated 21st June 1878.)

15. In exercise of the power conferred by Section 8‡ of Act XII of 1875 (The Indian Ports Act, 1875), and in supersession of all previous notifications on the same subject, the Governor of Bombay in Council is pleased to appoint the Commissioner of Customs, and the Collector of Salt Revenue acting in subordination to such Commissioner, to be the intermediate authorities to whose control the Conservators at all ports throughout the Bombay Presidency, except the ports of Bombay and Aden and the ports in Sind, shall be subject.

‡Cf. Section 7 of the Indian Ports Act, 1889.

The Governor of Bombay in Council is pleased further to invest the Commissioner of Customs with chief control over the Port Fund receipts and expenditure of the ports aforesaid. (G. N. No. 6512-C., dated 20th September 1882.)

*Cf. Section 33 of the Indian Ports Act, 1889.

16. His Excellency the Governor in Council is pleased, under the provisions of Section 45* of Act XII of 1875 (The Indian Ports Act), to fix the port dues payable by all vessels (except fishing boats) entering any port of the Northern Group specified in the first schedule annexed to the said Act, at three annas per ton for all sea-going vessels of 10 tons burden and upwards, except coasting steamers, and at four annas and six pies per ton for coasting steamers. These rates will come into force on the expiration of sixty days from the date of the publication of this notification in the *Bombay Government Gazette*. (G. N. No. 464, dated 27th January 1880.)

17. In exercise of the power conferred by sub-section (1) of Section 33 of the Indian Ports Act, X of 1889, the Governor in Council is pleased to direct that port dues at the following rates should be levied on vessels of the following descriptions, respectively entering any of the southern group of ports in the Bombay Presidency specified in the first column of Part III of the first schedule annexed to the said Act, *viz.*—

Coasting steamers, four and a half annas per ton;

Other sea-going vessels of ten tons and upwards (excepting fishing boats), three annas per ton.

Under sub-section (4) of the said section, this order will come into force on the expiration of sixty days from the date of the publication thereof in the *Bombay Government Gazette*.

(G. N. No. 8234, dated 17th October 1892.)

18. In the case of vessels employed for the service of Government, no special exemption should be provided for in any charter party in regard to payment of port dues or pilotage or other fees. (G. I., H. D., No. 2722, dated 4th December 1860; *vide* G. M. No. 4732, dated 19th idem, and G. N., dated 3rd October 1862, printed at page 857 of the *B. G. G.* of 9th idem.)

19. Vessels merely anchoring on their voyages up and down the coast waiting for a change of wind, if they do not remain more than 24 hours in any of the ports and do not discharge or take in cargo, should not be called upon to pay the port dues. (G. R. No. 4215, dated 28th September 1861.)

20. The Customs Authorities at Alibág should allow vessels belonging to the Navab of Janjira to pass without payment of port dues. (G. R. No. 6529, dated 26th December 1871.)

21. Trinity vessels entering the port of Bombay are exempt from the payment of port dues and the taking out of port clearance. (G. R. No. 275, dated 18th January 1878.)

22. In exercise of the powers of a Local Government delegated to him by Government Notifica-

tion No. 2738, dated 26th May 1880, and with reference to Section 45 of the Indian Ports Act of 1875 (now Section 33 (1) of the Indian Ports Act X of 1889), the Commissioner in Sind directs that from and after the first day of September 1885, the port dues leviable under the provisions of the said Act in the port of Karáchi on all vessels chargeable therewith shall be three annas per ton, in supersession of the rates fixed by notification dated 9th March 1878 (Commissioner in Sind's notification No. 1409, dated 15th August 1885.)

23. In supersession of his Notification No. 564, dated 15th March 1881, issued under Section 48 of Act XII of 1875 (now Section 36 (1) of the Indian Ports Act X of 1889) published at page 207 of the *Sind Official Gazette* of the 17th idem, the Commissioner in Sind, in exercise of the powers delegated to him by Notification No. 2738, dated 26th May 1880, appoints the Trustees of the port of Karáchi as constituted under Bombay Act VI of 1886 (The Karáchi Port Trust Act) to receive the dues, fees and other charges authorized to be taken under the Act, and expend the same on any of the objects authorized by Act X of 1889. (Commissioner in Sind's Notification No. 1423, dated 27th June 1894.)

24. In exercise of the powers conferred on him by Government Notification No. 2738, dated 26th May 1880, the Commissioner in Sind is pleased to sanction the following rates of port dues chargeable under Sections 46 and 47 of the Indian Ports Act, X of 1889:—

Section 46.—Vessels entering the port of Karáchi in ballast and not carrying passengers shall be charged with a port due at three-fourths of the rate fixed by Notification No. 1409, dated 15th August 1885, published at page 193 of the *Sind Official Gazette* of the 20th idem, *viz.*, 2¼ annas per registered ton.

Section 47.—Vessels entering the port of Karáchi which do not discharge or take in any cargo or passengers therein (with the exception of such unshipment and reshipment as may be necessary for purpose of repair) shall be charged with a port due at half the rate fixed by Notification No. 1409, dated 15th August 1885, *viz.*, one anna and a half per registered ton. (Notification of the Commissioner in Sind, No. 1941, dated 27th November 1889.)

25. With reference to Section VI* of Act VIII of 1858, it is hereby notified that measuring fees on native craft of all denominations will be levied at the port of Karáchi at the following rates, that is to say—

**Vide* Section 85 of Act X of 1889.

	Rs.
On native craft exceeding (4) four Bombay khandis or (1) one ton, and not exceeding (20) twenty Bombay khandis or (5) five tons	3

	Rs.
On native craft exceeding (20) twenty Bombay khandis or (5) five tons, and not exceeding (40) forty Bombay khandis or ten tons	6
On native craft exceeding (40) forty Bombay khandis or (10) ten tons, and not exceeding (200) two hundred Bombay khandis or (50) fifty tons	10
On native craft exceeding (200) two hundred Bombay khandis or (50) fifty tons, and not exceeding (400) four hundred Bombay khandis or (100) one hundred tons ...	20
On native craft exceeding (400) four hundred Bombay khandis or (100) one hundred tons and upwards	30

(G. N. dated 5th May 1863; *vide* G. R. No. 1428, of the same date.)

26. In exercise of the power conferred by Section 3 of Act XIV of 1874 (The Scheduled Districts Act 1874), the Governor of Bombay in Council is pleased, with the previous sanction of the President in Council, to declare that—

(*a*) The enactments mentioned in Schedule A hereto annexed are in force in the Province of Sind to the extent to which they are in force in any part of the Presidency of Bombay not included in any Scheduled District.

* * * *

Bombay Act XIX of 1838, relating to coasting, fishing and harbour vessels.

* * * *

(Notification No. 1254, dated 13th November 1880.)

27. In exercise of the powers conferred by Section 6 of Act XIX of 1838 (Bombay Coasting Vessels), His Excellency the Governor in Council is pleased to appoint the Port Officer, Karáchi, to perform the duty of making or branding and ascertaining the burthen of fishing vessels and harbour craft at Karáchi. (Bombay Government Notification No. 5, dated 15th January 1896, Marine Department, as amended.)

28. The following amended notification is published in supersession of notification dated 9th December 1859:—

Measuring fees leviable under the provisions of Act XXXI† of 1857 are applicable to boats or vessels of every description whether harbour craft, coasting or sea-going craft, European or native, of whatever rig or denomination, registered under any law for the time being in force with respect to such registration, and will be levied at the following rates, that is to say—

† *Vide* Section 35 of Act X of 1889.

	Rs.
On every craft exceeding (4) four Bombay khandis or (1) one ton and not exceeding (20) twenty Bombay khandis or (5) tons .	3
On every craft exceeding (20) twenty Bombay khandis or (5) tons and not exceeding (40) forty Bombay khandis or (10) tons ...	6

	Rs.
On every craft exceeding (40) forty Bombay khandis or (10) ten tons and not exceeding (200) two hundred Bombay khandis or (50) fifty tons	10
On every craft exceeding (200) two hundred Bombay khandis or (50) fifty tons and not exceeding (400) four hundred Bombay khandis or (100) one hundred tons ...	20
On every craft exceeding (400) four hundred Bombay khandis or (100) one hundred tons and upwards	30

(G. N. dated 23rd November 1866.)

29. The Commissioner of Customs is authorized to sanction on his own authority charges on the several Port Funds for the maintenance of lights and to spend out of these funds up to Rs. 10,000 on any one work. (G. R. 4659, dated 14th November 1865.)

30. The expenditure incurred both by the Civil and Public Works Departments debitable to Port Funds being duly provided for in the budget prepared by the Collector of Salt Revenue and charges only to the extent of the sums so provided being admitted by the Accountant General, the Collector is aware generally of the expenditure which is incurred. The Accountant General should as credits and debits are passed against the various heads inform the Collector* under what heads and to what amounts they are passed. (G. R. No. 5338, dated 1st September 1877.)

XXII.—LIGHT DUES.

1. The light due payable in respect of the Little Basses Rock Light-ship shall become due and shall be payable in respect of outward-bound vessels before the grant of port clearance, or, in the event of port clearance not being required, on the vessel preparing to leave port. A proper voucher should be given for all payments.

2. With respect to ships arriving at any port, the toll shall be levied, on arrival, whenever it shall be found that the payment of the amount due for the voyage just performed has not been made elsewhere, or that a proper voucher for such payment cannot be produced, or that other satisfactory proof of such payment cannot be given.

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* The powers vested in the Collector of Salt Revenue in the matter of sanctioning estimates and outlay for original public works and repairs from the Northern and Southern Groups Port Funds as defined in the resume of orders published with Government Resolution, Public Works Department, No. 186 A.—218, dated 21st March 1876, only applied so long as the control of those funds remained with that officer. They ceased to be operative so far as the Collector was concerned, on the appointment, in 1882, of the Commissioner of Salt Revenue to the chief control over those funds under Government Notification No. 6512-C., dated 28th September 1882. By Government Resolution, Public Works Department, No. $\frac{20A}{40}$, dated 27th March 1890, formal sanction was accorded to the declaration of the powers in question to the Commissioner, and to the Collector of Salt Revenue sanctioning estimates, on account of ordinary repairs, up to a limit of Rs. 1,000.

3. The chief officer of Customs in each port is authorized to collect the toll in the manner prescribed for the collection of such tolls by Sections 399 to 402 of the Merchant Shipping Act, 1864, so far as applicable, and to withhold port clearance until the light dues leviable from a vessel be paid.

4. The proceeds of the toll, less any expense incurred in collecting it, should be remitted to England, as directed by the 5th section of the Merchant Shipping Act Amendment Act, 1855.

5. The toll shall be enforced upon all ships whether British or foreign.

(G. I., H. D., Nos. 353 and 349, dated 11th January 1866; *vide* G. Rs. Nos. 331 and 385, dated respectively 25th and 30th idem.*)

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* The following Order of Her Majesty in Council, dated 9th May 1892, is republished for general information :—

"At the Court at Windsor, the 9th day of May 1892.

Present.

"The Queen's Most Excellent Majesty in Council.

"Whereas by 'The Merchant Shipping Act Amendment Act, 1855,' it was enacted that in any case in which any light-house buoy, or beacon had been or should be thereafter erected or placed on or near the coasts of any British possession by or with the consent of the Legislative authority of such possession, Her Majesty might by Order in Council fix such dues in respect thereof, to be paid by the owner or master of every ship which passes the same, or derives benefit therefrom, as Her Majesty might deem reasonable, and might in like manner from time to time increase, diminish, or repeal such dues, and that from the time specified in such Order for the commencement of the dues thereby fixed, increased, or diminished, the same should be leviable throughout Her Majesty's dominions in manner hereinafter mentioned.

† *Vide* G. N., Marine Department, No. 88, dated 1st August 1883, published at pp. 545-547 of the *B. G. G.* of 2nd idem.

"And whereas by an Order† in Council, dated the twenty-second day of May one thousand eight hundred and eighty-three, Her Majesty was pleased to direct that the dues to be paid in respect of ships passing, and deriving benefit from the lights exhibited from the Great Basses Rock, the Little Basses Rock and Minicoy Island should be those specified in the schedules attached to such Order in Council.

"And whereas by the Basses Lights Acts, 1869 and 1872, and the Public Works Loans Act, 1881, it is provided that so long as any money is due to the Public Works Loan Commissioners on account of any loan under those Acts, the dues payable in respect of the Great Basses Light-house and the Little Basses Light-house or the Minicoy Light-house, shall be altered only with the consent of the Commissioners of Her Majesty's Treasury.

"And whereas it has been made to appear to Her Majesty that all advances made by the Public Works Loans Commissioners for the purposes mentioned in the said Acts have been repaid, and that it is expedient that the amount of the dues hereinbefore referred to should be varied in manner hereinafter mentioned.

"Now, therefore, Her Majesty, in exercise of the powers vested in Her by the said recited Acts, and by and with the advice of Her Privy Council is pleased to direct that from and after the first day of July one thousand eight hundred and ninety-two, or from the time of the receipt of notice of this Order, if that be later, by the officers authorized to collect light dues the dues heretofore levied in respect of the Great Basses Light-house, the Little Basses Light-house and Minicoy Light-house under the said Order in Council of the twenty-second day of May one thousand eight hundred and eighty-three shall be subject to an abatement or discount of fifty per centum.

"HERBERT M., Supt."

(G. N., Mar. Dept., No. 67, dated 30th June 1892.)

2. By the 4th section of the Merchant Shipping Act Amendment Act, 1855, dues levied under that Act are to be collected subject to the same conditions to which light dues leviable under the Merchant Shipping Act, 1854, are subject; and as vessels in ballast are exempt from light dues leviable under the latter Act, they are also exempt from Basses light dues leviable under the Merchant Shipping Act Amendment Act, 1855. (Letter from the Secretary to the Board of Trade, London, to the Under Secretary of State for India, No. F.-3040, dated 5th April 1872; *vide* G. R. No. 2908, dated 18th June 1872.)

3. The Collector of Customs, Karáchi, should forward quarterly statements of collections of Basses light dues at the port of Karáchi as soon after the close of the quarter as possible, direct to the Accountant General. (G. R. No. 5192, dated 11th September 1876.)

4. Basses Light dues should be brought to account in the financial year in which they are collected. (S. of S., No. 26, Finl., dated 9th March 1876; *vide* G. R., F. D., No. 1600, dated 7th April 1876.)

5. In the case of all ships clearing from the United Kingdom for voyages through the Suez Canal, the dues in respect of the Basses Lights will be collected previous to clearance, instead of on arrival at the port of destination. No dues in respect of the Basses Lights should be required to be paid upon any vessel arriving in India, unless her master is unable to produce a receipt for these dues from the Collector at the port of clearance. (S. of S., No. 75, Finl., dated 26th September 1878; *vide* G. Rs., F. D., Nos. 3959, dated 1st November 1878, and 4875, dated 31st December 1878.)

6. Under Act* XIII of 1854, the sums realized from light dues are required to be applied in the first instance to the defrayal of the necessary expenses of maintaining and keeping up the several lights, and next, *i.e.*, after deducting such necessary expenses, the surplus is to be devoted to the liquidation of the moneys advanced by the East India Company towards the erection and completion of the Horsburgh Light-house, and the apparatus and furniture thereof. There is no objection to the whole of the collections being credited to the Government of the Straits, provided that the unrecovered balance, if any is still existing, of the cost of construction of the light-house referred to is repaid by annual instalments equal to the surplus of the light dues after deducting necessary expenses.

*(Lighthouses Straits Act.)

After the transfer of the Settlements to the Colonial Office the Departments at the several ports in British India, which may collect light dues* for those Settlements, should levy and credit

* Under the notification by the Government of Singapore dated 15th October 1886, republished under Bombay Govern-

to the general revenues a percentage on the collections at the rate prescribed by the Board of Trade, London. (G. I., F. D., No. 1207, dated 8th March 1867; *vide* G. M. No. 1111, dated 18th idem.)

XXXIII.—TOBACCO (BOMBAY TOWN) ACT, IV OF 1857.

1. The following opinions of the Remembrancer of Legal Affairs and the Honourable the Advocate General on the question of the relative powers and duties of Customs officers and Police Magistrates under Act IV of 1857, were communicated to the Commissioner of Customs for information and guidance :—

"It is impossible to use language in framing Legislative Acts of a more extensive character and meaning than the language used in Section 6 of Act IV of 1857.

"A reference is made by that section to the powers of the Customs Department in respect of duties of Customs not specifying whether they are sea or land Customs, and, therefore, not limiting the reference to either, but extending it to both; and then the section expressly confers upon his Department, in *addition* to the powers and authorities specified in the Act IV of 1857, all the powers 'they now have or shall have in respect of duties of Customs.'

"It follows of necessity from the use of such language as this that all the powers now in force for collecting and enforcing payment of duties of Customs, whether by sea or land, can be made use of for collecting and enforcing payment of the Municipal duty on tobacco under Act IV of 1857.

"From a perusal of the papers, it does not appear what the offence was for which the fines were inflicted. I assume the facts constituted some offence against some of the provisions of the Acts relating to Customs duties.

"I may also add it is not difficult to see how the Magistrate was led to take an imperfect and erroneous view of the matter. The Magistrate states in his letter that the Deputy Commissioner had inflicted the fines in question under Section 19 of Act IV of 1857, and on that basis the application was made to the Magistrate to enforce the fines under the provision contained in Section 224 of Act VI of 1863.

"Assuming the application to have been in this form and on this basis, and I must so assume it, it is obvious that it was imperfectly made. Section 19 of itself gave no such power to inflict fines, and the Magistrate applies himself chiefly to consider that section. The application ought to have been made on the basis of Section 6 of Act IV of 1857, and reference made to such sections of the Acts relating to sea or land Customs as empowered the Customs Department to confiscate or fine.

"Neither does it appear that when the Magistrate heard Mr. Judge on behalf of the alleged delinquents that any

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ment Notification, Marine Department, No. 104, dated 15th December 1886, at pages 1051-1052 of the *Bombay Government Gazette* of 16th idem, the tolls payable in respect of all vessels liable, under Indian Act No. XIII of 1854, to pay tolls for passing the Straits Lights have been fixed at the rates in the said Act specified (that is to say) : If the voyage be one in the ordinary course whereof the vessel would pass the whole of the Straits Lights, at the rate of one anna per ton ; and if the voyage be one in the ordinary course whereof the vessel would pass any one or more of the lights, but not all of them, at the rate of half anna per ton.

one appeared on behalf of the Customs Department to support the validity of their acts.

"I entertain no doubt that, if the facts charged amounted to a breach of the Regulations so as to warrant a confiscation or fine, it could have been shown to the satisfaction of the Magistrate that the Customs Department had a power of adjudicating upon the matter, and that Section 20 of Act IV of 1857 must be read, in accordance with the very words used in it, as a clause enabling any Magistrate of Police for the Town of Bombay to adjudicate upon the offence as well as and not in exclusion of the Customs Department.

"The word used in that section is 'may,' and the Magistrate is wrong in saying that all confiscations and fines under that Act are to be adjudicated upon and levied by a Magistrate of Police and by *no other authority*.

"The Magistrate is also in error in supposing that the repeal of Act I of 1852 has anything to do with the question as to what are now the powers of the Customs Department. Act VI of 1863 supplies the place of Act I of 1852, and Section 6 of Act IV of 1857 refers to the powers which the Department shall have in the future." (L. R. No. 30, dated 18th March 1871.)

"Upon the general question of the relative powers and duties of Customs Officers and Police Magistrates under Act IV of 1857, there seems little room for doubt. By Section 6 'the Commissioner of Customs, Salt and Opium, and officers of Customs shall have all the same powers and authorities for collecting and enforcing payment of the said Municipal duty in addition to the powers and authorities specified in this Act, as they now have, or shall have in respect of duties of Customs.' Reading the words 'shall have' as 'shall hereafter have' (which I think is the true construction) the Customs officers are now entitled to use in collecting and enforcing payment of the tobacco duty the powers and authorities with which they are invested in respect of duties of Customs by Act VI of 1863. Among those authorities is that given by Section 224 of Act VI of 1863, *viz.*, when a penalty has been adjudged by a Customs officer against any person, and the officer fails to realise it from such person's goods, he may notify the circumstances to any Magistrate within whose jurisdiction such persons or his goods shall be, and the Magistrate shall thereupon proceed to enforce payment of the amount in like manner as if the penalty had been adjudged by himself.

"There is, therefore, in my opinion a concurrent jurisdiction to adjudge penalties in regard to the collection and enforcement of payment of the tobacco duties vested in the Customs Officers and the Magistrates, and the latter are rendered auxiliary to the former as regards the enforcement of such penalties. This results, I think, not merely from reading the two Acts together, but from the express words of Section 20 of Act IV of 1857, which provides that 'all confiscations and fines under this Act *may* (not shall) be adjudicated and levied by any Magistrate of Police for the Town of Bombay'." (Adv. Gen., No. 65 of 1871.)

(G. R. No. 1444, dated 25th March 1871; G. R., J. D., No. 4680, dated 27th November 1871, and G. M. No. 6053, dated 2nd December 1871.)

2. The remission of duty to be allowed under Section 4 of Act IV of 1857 is confined to tobacco warehoused in a public or licensed warehouse, and when the tobacco is once removed from such warehouse for consumption, the right to such remission ends. If no right to such remission under such circumstances would exist under Act IV of 1857, no such right could be conferred on the Commissioner

of Customs under the provision of Act VI of 1863, because the powers and authorities in respect of Customs duties by Section 6 of Act IV of 1857 conferred upon the Commissioner of Customs in respect of the Municipal Tobacco Duty are powers of *collecting* and *enforcing payment* only, and not powers of remitting.

The words of Act IV of 1857 must be considered and acted upon literally, as the duty on tobacco therein created is a special one not appertaining to Government but to the Municipality, for whom the Commissioner of Customs is as it were a trustee. (Solicitor to Government, No. 297, dated 21st March 1873; *vide* G. R. No. 1723, dated 26th idem.) But see also Government Resolution No. 5702, dated 15th July 1885, in the preamble of which the view was expressed that the transfer of the tax to the Municipality was merely a State contribution to municipal funds not affecting the legal nature of the tax.

3. The Governor in Council is pleased to confer upon the Collector of Customs, Bombay, and upon each of the Assistant Collectors of Customs, Bombay, the powers specified in Sections 7, 11, 14, 15, 16, 17 and 19 of Act IV of 1857. (G. N. No. 600, dated 21st January 1885.)

4. With a view to meet the difficulty arising from the fact that the Commissioner of Customs, Salt, Opium and Ábkári is the only officer legally competent to grant transport permits under Section 9 and the permission contemplated by the proviso to Section 10 of the Tobacco Act IV of 1857, the Commissioner should supply the Collector and his Assistants with blank forms of permits and permissions, signed by himself, so that they may be filled in and issued by them whenever requisite. Orders for destruction of refuse or waste under Section 10 can be made, without inconvenience, after reference in each case to the Commissioner. (G. R. No. 600, dated 21st January 1885.)

5. The arrangement of allowing certain respectable firms to issue their own permits for the transport of tobacco more than four sers in weight when taken for personal consumption would be diametrically opposed to the requirements of the Tobacco Act, IV of 1857, which imperatively require permits from the Commissioner of Customs, Salt, Opium and Ábkári. But if this requirement can be safely relaxed, there appears to be nothing to prevent the Tobacco Department from recognizing permits granted by respectable firms under due authority.

2. If there is reason to suppose that smuggling goes on under cover of foreign tobacco licenses, which could be checked by insisting on a strict observance of the Act in regard to accounts, &c., then the Act should certainly be enforced. But if such accounts have been dispensed with hitherto with no particular evil consequences, it will be best

to avoid creating a fresh grievance and to let the existing system continue.

3. When a licensee asks for leave to appoint an officiator during his absence, the term for which leave is granted should be registered, and in case of the non-return of the licensee, the license should not be renewed. (G. R. No. 5891, dated 15th August 1893.)

6. The realization of the duty levied under Act IV of 1857 on tobacco and snuff in the town and island of Bombay was transferred to the Municipality of Bombay in 1866 and consequently the establishment for the realization, although under the control and orders of the Commissioner of Customs, Salt, Opium and Abkári, Bombay, was treated as one belonging to the Municipality. The transfer of the tax to the Municipality was, however, merely a State contribution to municipal funds not affecting the legal nature of the tax or the legal status of the officers empowered to collect it. These officers should therefore be treated as Government employés in all respects, the charges on account of their pensions and leave allowances being met by deduction from the amount made over to the Municipality of a sum representing those charges. (G. I., F. & C., No. 1590, dated 25th June 1885; *vide* G. R. No. 5702, dated 15th July 1885.)

7. The Commissioner of Customs should arrange for the recovery of the leave and pensions contributions on behalf of the establishment of the Tobacco Department at the new rates prescribed for foreign service of the third kind. (G. R. No. 1832, dated 10th March 1890.)

XXIV.—MISCELLANEOUS.

1. *Wrecks.*—"The Commissioner of Customs states that a private speculator proposes to remove the remains of vessels which may be sunk in the harbour of Bombay at his own cost, retaining as remuneration whatever he recovers from the sea.

"2. I do not think the Conservator of the Port has authority to enter into any such arrangement, or that it can be sanctioned by Government.

"3. By Section 23* of Act XXII of 1855 the Conservator is empowered to remove or destroy sunken vessels impeding the navigation of the port, and if the expense is not paid within a month he is authorized to recover the expenses by the 39th† Section of the Act, by which the Conservator is enabled, if the recovered property is unclaimed, or if the claimant refuses to pay the expense of its recovery, to sell it by public auction at once if perishable, but otherwise not until after the expiration of 6 months after its recovery; and after deduction of the costs incurred, the balance is to be paid to the person entitled to the recovered property.

*Cf. Section 14 of the Indian Ports Act, 1889.

†Ibid.

"4. I think it would be inconsistent with these provisions of the Act for Government to enter into

any agreement of the nature proposed; and as the title of the owners of the sunken property is not divested by the mere fact of its sinking, it is impossible for Government to enter into any agreement vesting such property in a third person." (Solicitor to Government, No. 329, dated 9th May 1860; *vide* G. R. No. 1897, dated 25th idem.)

2. *Clothing of peons employed at private bandars.*—All proprietors of private bandars should be called on to pay the cost of their peons' clothing over and above the amount of cutting made from their pay. (G. R. No. 3099, dated 8th September 1860.)

3. *Surveyor of the Port of Karáchi.*—In exercise of the power conferred by Section 3 of Act XIV of 1874 (The Scheduled Districts Act, 1874) the Governor of Bombay in Council is pleased, with the previous sanction of the President in Council, to declare that—

(*a*) the enactments mentioned in Schedule A hereto annexed are in force in the Province of Sind to the extent to which they are in force in any part of the Presidency of Bombay not included in any Scheduled District;

* * * * * *

Bombay Act X of 1841 relating to Registration of Ships.

* * * * * *

(G. of I. Notn. No. 1254, dated 30th November 1880.)

In exercise of the powers conferred by Section 7 of the Registration of Ships Act, X of 1841, as amended, His Excellency the Governor in Council is pleased to appoint the Port Officer, Karáchi, to be Surveyor for the purpose of examining and measuring ships or vessels, and granting certificates. (Bom. Govt. Notn. No. 6, dated 15th January 1896, Marine Department.)

4. *Treatment of goods shipped from Narakal.*—The Commissioner of Customs should treat goods shipped from Narakal under the arrangements sanctioned by the Government of Madras in their letter (No. 993, dated 8th June 1863) given below as if they had been shipped at British Cochin:

"I am directed to forward, for the information of His Excellency the Governor in Council, the accompanying correspondence regarding the shipment, during the monsoon months, of goods cleared from British Cochin at the adjoining port of Narakal.

"2. The Bombay Government are doubtless aware that during the monsoon ships are often unable to remain in the exposed roadstead of British Cochin. Two or three miles of British Cochin is the small place called Narakal, where the action of the sea is deadened by a mud flat, between which and the shore ships can lie and load when the Cochin roadstead is unsafe. Narakal is, however, situated in the Cochin State and is therefore 'Foreign territory.' Consequently goods exported thence are liable to duty when imported into any British Indian

port. Arrangements have, however, been made with His Highness the Rája of Cochin for the transit, across the very narrow slip of land on which Narakal is situated, of goods from British Cochin, and the Government have authorized their officers to allow goods cleared from the Customs House of British Cochin and manifested as intended for actual shipment at Narakal, to be shipped at the latter place during the monsoon.

"3. His Highness the Rája of Cochin levies duties on imports into and exports from his own territories. The precautions adopted at British Cochin leave no opening for any evasion of British duties, and the Rája would at once tax articles not cleared from British Cochin, passing into or out of Narakal. The concession is really no more than allowing goods during the monsoon to be embarked in a sheltered roadstead quite close to Cochin.

"4. I am to request that goods shipped under the above circumstances from Narakal and covered by manifests from the British Cochin Customs House may be treated in Bombay ports as if they had actually been shipped at British Cochin."

(G. R.-No. 2237, dated 8th July 1863.)

5. *Travelling Allowance, &c., to witnesses.*—The rates of subsistence money and travelling allowances granted to witnesses in criminal cases under Government Notification,* Judicial Department, dated 11th November 1863, published at page 1210 of the *Bombay Government Gazette* of the 12th idem, should be conceded to witnesses whose attendance may be required in cases cognizable before the officers of Customs and Excise, under the rules set forth in the said notification so far as they may be applicable to those Departments. (G. R. No. 131, dated 15th January 1864.)

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* In supersession of former rules on the subject, the Honourable the Governor in Council is pleased to direct that the following rates of subsistence-money and travelling allowance be granted to witnesses in criminal cases :—

1. European and East Indian witnesses in the Mofussil, when summoned by a Criminal Court to give evidence in heinous cases, are to be allowed their actual expenses for carriage when the same are not in excess of 6 annas a mile. They are also to be allowed a sum not exceeding 2 rupees 8 annas a day for subsistence, if they demand the same.

2. European and East Indian witnesses coming from the Mofussil to attend trials at the High Court are to be remunerated as follows :—

1st Class.—Each person coming under this class to be allowed 8 annas a mile as travelling expenses for himself and a servant, 5 rupees a day as hotel allowance while in Bombay, and 2 rupees for carriage-hire for each day he may have to attend the High Court.

2nd Class.—Persons under this class to have their actual travelling expenses, 3 rupees a day as board expenses in Bombay, and 1 rupee palkee-hire for each day of attendance at the High Court.

3rd Class.—Persons of this class to have their actual travelling expenses, and 1 rupee 8 annas a day as boarding allowance.

3. The Magistrate or other authority who sends a witness to the High Court shall determine to which of the above classes he belongs.

4. As a general rule, Native witnesses of the better class, as pátels, pánderpeshas, merchants, vakils, and persons of corresponding rank, as well as all witnesses who are in no way

6. *Rules for protection of the Screw Pile Pier and Cranes at Kárwár.*—(1) No boats or pattimars shall remain alongside the Screw Pile Pier after sunset, nor shall come alongside before daybreak.

(2) No carts or trucks are allowed to go on the wooden platform of the pier.

(3) Cargo of any kind must not be left on the pier for more than 24 hours before being shipped, or after being landed, without permission.

(4) Any damage, by accident or otherwise, done to the pier by any boat or vessel, or by any cart or truck, must be paid for by the owners of such vessel or cart.

(5) The cranes are only to be used between daybreak and sunset, and any damage done to them will be repaired at the cost of the party who caused it.

(6) All reference with regard to the Screw Pile Pier and Cranes, &c., must be made to the Port Officer and Conservator of Kárwár.

(7) No pattimar or cargo boat is to come alongside the pier in rough weather, or if it is likely to cause damage to the same, without permission.

(8) All pattimars, cargo boats, &c., making use of the pier must have good fenders over the sides, and must be careful not to bump against the pier more than can be avoided.

(9) A Government peon is stationed on the pier, whose duty it is to report any infringment of the above rules.

(G. N. dated 31st December 1867; *vide* G. R. No. 4012, dated 20th November 1867.)

7. *Rules for the guidance of the officers in charge of the Government Cranes on the Town Cus-*

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concerned in the case in which their evidence is given, but whose evidence is required for furthering the ends of justice (such as attesting witnesses to depositions and inquest reports, provided they can read and write), are to be allowed 6 annas a day as subsistence-money, and they are also to receive railway and other travelling expenses that have been actually incurred by them, provided the same be reasonable.

5. Native witnesses of the class of cultivators and menials, who would not, under ordinary circumstances, voluntarily incur any expense on account of special lodging when away from home, are to be allowed subsistence-money at the rate of 1 annas a day, and are also to receive railway and other travelling expenses actually incurred by them, provided the same be reasonable.

6. Peculiar cases (that is, cases not coming under the operations of Rules 4 and 5) are to be dealt with according to their own merits or at the discretion of the Court from which subsistence-money or travelling allowance is demanded.

7. No witnesses are to receive subsistence-money or travelling allowance unless they have been summoned or otherwise ordered by a Magistrate or a Munsif or a Court of Session to attend at the Court before which their evidence is required.

8. When a witness lives in the same town or village in which the Court before which he is required to give evidence is situated, the Court may award him such sum, not exceeding 4 annas a day, as may compensate him for any loss he may have incurred by attendance upon the Court (G. N., J. D., dated 11th November 1863.)

tom House Bandar.—(1) Hoisting of goods will be from sunrise to sunset.

(2) No package exceeding 4 tons is to be hoisted at the 5-ton cranes, and no package exceeding 1½ tons is to be hoisted at the 2-ton crane.

(3) All Government stores to be allowed to be hoisted free.

(4) Pressed cotton bales also to be free.

(5) No horse will be permitted to be landed or shipped unless with the special permission of the Commissioner of Customs or his Deputy.

(6) The rates chargeable for the use of the cranes will be as per table annexed.

(7) The Superintendent of Cranes after inspecting the packages will fill in the Ticket C, which shall then be taken to the Shroff, who shall fill in the rates and levy the fees in cash, then sign and return the ticket as paid. On this voucher the Superintendent of Cranes will hoist the packages, but not before.

(8) A book shall be kept by Cranage Shroff, whose duty it will be to collect and enter the fees therein in accordance with Form D.

(9) The daily collections will be closed at 4 P.M., when the Superintendent shall compare the tickets with Shroff's book, and, if the number of packages tally, both shall sign the book, and the Shroff shall pay such daily collections to the Cashier, whose receipt should be obtained. Any collections made after 4 P.M. will be paid with the following day's collections, and so on.

(10) No receipt will be granted for the cranage fees levied.

(11) Disputes between importers and the officers in charge of cranes to be disposed of by the Deputy Commissioner, subject to appeal to the Commissioner of Customs, whose decision is to be final.

Cranage Rates.

The following are the rates to be charged for the use of the cranes on the Town Custom House Bandar :—

		Rs.	a.	p.			Rs.	a.	p.
For hoisting a large spar...	Per each	2	0	0	For hoisting a large bale of English goods.	Per each	0	4	0
For hoisting an anchor, piece of machinery or a gun above one ton in weight	Per cwt.	0	1	0	For hoisting a small bale of English goods.	,, ...	0	2	0
For hoisting an anchor, piece of machinery or a gun one ton and under ...	,, ...	0	0	6	For hoisting large case of merchandise ..	,, ...	0	4	0
For hoisting cask of hardware	,, ...	0	0	6	For hoisting small case.	,, ..	0	1	0
For hoisting case of copper	,, ...	0	0	6	Do. large crate.	,, ...	0	1	0
For hoisting a carriage ...	Per each	2	0	0	Do. large cask or pipe...	,, ...	0	4	0
For hoisting large bale of country piece-goods ...	,, ...	0	8	0	Do hogshead .	,, ..	0	2	0
					For hoisting small packages of sorts and sizes, 8 for	,, ...	0	1	0

(G. R. No. 2496, dated 26th May 1870.)

8. *Shipping Office, Kárwar.*—Under the provisions of Section II of Act I of 1859, the Right Honourable the Governor in Council is pleased, with the sanction of the Governor General of India in Council, to establish a Shipping Office at Kárwár in the Kánara Collectorate and to appoint the Port Officer at that place as Superintendent. (G. N. dated 24th February 1868; *vide* G. R. No. 741 of the same date.)

9. *Firman Privilege.*—The Honourable the Governor in Council is pleased to notify, for general information, that the Firman privilege under which Portuguese goods have hitherto been permitted to be imported into Surat at the uniform rate of 2½ per cent. duty, will cease from and after 1st September 1872. (G. N. dated 26th July 1872; *vide* G. R. No. 3612 of the same date.)

(1) In continuation of Government Notification dated 26th July 1872, the Honourable the Governor in Council is further pleased to notify, for general information, that the Firman privilege under which Portuguese goods have hitherto been permitted to be exported from Surat at the uniform rate of 2½ per cent. duty, will cease from and after 8th December 1872. (G. N. dated 8th November 1872; *vide* G. R. No. 5550 of the same date.)

(2) Any levy by the Marfatya of the Portuguese Factory at Surat of an import duty of 2½ per cent. *ad valorem* or any other duty on goods brought from Diu in a Portuguese vessel is illegal, and the importers are not bound to pay it. (L.R. No. 19, dated 21st February 1873; *vide* G. R. No. 1186, dated 28th idem.)

10. *Uniforms.*—It having been considered necessary, for the better efficiency of Her Majesty's Customs Preventive Service at Bombay, that the whole of the officers composing that body should be in uniform, the Honourable the Governor in Council is pleased to approve of and sanction, in supersession of previous orders, the following rules, and to declare that the same shall for the future be recognized and adopted as the "Dress Regulations" of that service:—

Cap.—Navy blue cloth, with plain silk or mohair band, ornamented with a badge with the letters "H. M. C." in silver or white metal, surmounted with a crown and enclosed in a laurel wreath worked in gold thread.

Jacket.—Pea, Navy blue cloth, serge or venetian, double-breasted with a gilt Imperial crown on each lappet and eight gilt Regulation buttons in front and three crossways on the cuffs of each sleeve.

Jacket.—For Superintendent, Deputy Superintendent and four Inspectors, same as above with distinctive lace on the cuffs of the sleeves in lieu of the buttons worn by the officers as follows:

Superintendent and Deputy Superintendent, double ring of gold lace round the cuff of each sleeve, half an inch in width.

Inspectors, single ring of gold lace on each sleeve of the same width.

Coat.—Surtout or frock with Imperial crowns as above and same number of buttons, and with the same distinctions as those adopted for the double breasted jacket appointed to be worn on duty.

Vest.—White, or of the same colour and material as the coat, with six Regulation buttons.

Trousers.—White or Navy blue in the hot weather, and when exposed on duty the officers will be permitted to wear a white tunic instead of the blue pea jacket. The white tunic to have one row of five Regulation buttons down the front, the Imperial crowns to be worn, one on each side of the collar, and one-and-a-half inches from the opening in front.

Instead of the cap, a white helmet with a white pagri may be worn. (G. N. No. 2769, dated 8th April 1895.)

11. It having been considered necessary, for the better efficiency of Her Majesty's Customs Preventive Service at Karáchi, that the whole of the officers composing that body should be in uniform, the Honourable the Governor in Council is pleased to declare that the Rules sanctioned in Government Notification No. 2769, dated 8th April 1895, shall (with the omission of the words "Deputy Superintendent") be recognized and adopted as the Dress Regulations of that service. (G. N. No. 4289, dated 8th June 1895.)

12. The Dress Regulations of the Customs Preventive Service at Bombay prescribed in Government Notification* dated 17th August 1874, with the substitution of the letters "H. M. C. & S." for the letter "H. M. C." on the badge of the cap, should be extended to the Coast Guard Service and Inspectors of the Salt Department. The Superintendent and five Senior Inspectors of the Coast Guard service should be deemed to be the officers entitled to wear the dress prescribed for the Superintendent, Deputy Superintendent and four Inspectors of the Customs Preventive Service. (G. Rs. Nos. 4856, dated 9th September 1874, and 19, dated 3rd January 1881.)

* Sup... by G. No. 27... dated ... April ...

13. Preventive officers of all grades should be required to provide themselves with uniforms at their own expense.

It does not appear requisite to supply the tallymen on salaries of Rs. 40 and Rs 30 per month with uniform. All that is necessary is that they should, when on duty, wear some distinguishing badge to show that they are in Government employ, and arrangements may be made to supply them with such badges. (G. R. No. 2877, dated 11th April 1883.)

14. *Jeddah Salt Measure 'Cantar.'*—For the purposes of Customs duties, the equivalent of the Jeddah salt measure called "Cantar" should be fixed at 95 lbs. avoirdupois. (G. I., F. & C., No. 6010, dated 7th October 1874; *vide* G. R. No. 5511, dated 17th idem.)

15. *Returns of vessels entering from and clearing to foreign countries.*—The Commissioner of Customs and the Commissioner in Sind should submit, for transmission to the Government of India, annual returns in the following form, showing the number and tonnage of vessels which entered from and cleared to foreign countries at the ports under their charges:

Statement showing the number and tonnage of vessels (including steamers and distinguishing native craft) which entered from and cleared to foreign countries at ports in the Bombay Presidency, including Sind, in the year (with cargoes and in ballast)

	Countries.	Entered.		Cleared.	
		Vessels.	Tons	Vessels.	Tons.
Vessels not Native.					
Full detail of countries.					
Native Craft.					
Full detail of countries.					

(G. I., R., A. & C., No. C.—201, dated 26th June 1875; *vide* G. R. No. 3810, dated 7th July 1875.)

16. *Registry of Vessels.*—"If the schooner 'Nelly' (belonging to Port Louis, Mauritius, has been broken up in this port * * *, her certificate of registry should be forwarded by the Registrar of Shipping of this port to the Registrar of Shipping at her port of registry. This is provided by Section 53 of the Merchant Shipping Act, 1854, which also requires that in such a case her certificate of registry should be delivered to the Registrar of Shipping at the port where the breaking up occurs." (Solicitor to Government, No. 991, dated 25th September 1875; *vide* G. R. No. 5644, dated 5th October 1875.)

(1) The Registrars of Shipping at the ports named below should insert in their annual lists

of shipping, the particulars of the gross tonnage of sailing and steam vessels as well as the net register tonnage.

Indian Ports of Imperial Registry.

Akyab ...	...	(Local also)
Bombay ...	...	Do.
Calcutta...	...	Do.
Cochin ...	...	Do.
Madras ...	...	...
Moulmein	...	(Local also)
Rangoon	...	...

(G. I., F. & C., No. 214, dated 15th January 1887; *vide* G. R. No. 679, dated 28th idem.)

(2) Local Boards must be counted amongst "Her Majesty's subjects residing within the Presidency of Bombay," and therefore vessels belonging to them are liable to be registered under Act XIX of 1838, if they are employed in such places as would render them liable to be registered under that Act, if they were the property of private owners. The Act applies to 'harbour craft' and to vessels 'employed on the coasts,' *i.e.*, on the sea-coast. It does not apply to vessels employed exclusively on rivers and creeks unless they ply to places which, although situated on such rivers or creeks, may reasonably be held to be on the sea-coast. (L. R No. 261, dated 23rd February 1888; *vide* G. R. No. 1607, dated 8th March 1888.)

(3) Sections 4 and 6 of Act XIX of 1838 contemplate that, at each Continental port, the registry of vessels shall be made and the duty of marking or branding and of ascertaining the burthen of vessels shall be performed either (1) by the Collector of Sea Customs at such port, or (2) by such other person as the Government of Bombay appoints to act at such port in the execution of the Act. By clause (7) of Government Notification No. 6512-A. of 20th September 1882, (published in the *Bombay Government Gazette* for 1882, Part I, 717), all Sarkárkuns in charge of tálukas were appointed Customs collectors under the Sea Customs Act, 1878, for the ports in their respective charges, and this officer is the preson who for years past has made the registry of vessels at every Continental port, and the Department wishes him to continue to do so. No further notification or appointment appears, therefore, to be necessary under Act XIX of 1838. The Sarkárkun should, however, not only make registry of vessels, but also perform the duty, through his subordinates, and, when necessary, under his certificates, of marking or branding or ascertaining the burthen of vessels.

Coast Guard Inspectors have received special instruction in the rules regarding the measurement of vessels, and Sarkárkuns have had no such instruction. But as both Sarkárkuns and Coast Guard Inspectors cannot be appointed to act in execution of Act XIX of 1838, and the former

are the officers already holding the office which qualifies them so to act, it is desirable that by Department arrangement the Coast Guard Inspectors should be made to act in subordination to the Sarkárkuns. Certificates of measurement, when necessary for evidentiary or other purposes, should be signed by the Sarkárkun, but the Coast Guard Inspector who actually made any measurement could be required to attach his initials to the certificate before it is signed by the Sarkárkun. (L. R. No. 1284, dated 3rd August 1891; *vide* G. R. No. 5730, dated 21st idem.)

17. *Boxes, &c., intended for private or official use on board vessels of Royal Navy arriving manifested as cargo.*—Boxes and parcels intended for private or official use on board vessels of Her Majesty's Navy, which arrive as manifested cargo, need not be treated as cargo for inclusion in the statistical returns, and may be passed on board the vessel for which they are intended or which is to convey them to their destination, on the Deputy Commissioner's order without documents, the manifest of the importing vessel being cleared by a note that this has been done. Government have no objection to cases for naval officers serving on distant stations being sent on board the flag or other ship in Bombay to be forwarded to them, on receipt of a written requisition by the Officer Commanding. (G. R. No. 562, dated 2nd February 1878.)

18. *Sampling of goods.*—The power given by Section 178 of Act VI of 1863 and continued by Section 195 of the new Customs Act VIII of 1878 to take samples of goods for the purpose of ascertaining their value, is viewed with some apprehension by merchants. It is alleged that in certain cases as those of prints or fancy goods, the ideas of the importers may be communicated to others who would pirate them to the detriment of the importer. The officers employed in valuing goods for the Customs House should be warned to guard against this to the utmost of their power, by taking care not to show the samples publicly or to persons who might make use of them in the manner apprehended. Any flagrant instance of carelessness in this respect would be deserving of punishment. (G. I., R., A. & C., No. 50 dated 21st March 1878; *vide* G. R. No. 1776 dated 6th April 1878.)

19. *Interpretation of Section 201 of Act VIII of 1878.*—Doubts have arisen as to the interpretation of the terms of Section 201 of the Sea Customs Act, VIII of 1878, which provides that 'the Customs Collector may in his discretion, upon payment of one rupee, authorize any document, after it has been entered and recorded in the Custom-house, to be amended.' This section reproduces the last clause of Section 191 of Act VI of 1863, the fee being limited to one rupee by the new Act, whereas under the old law it might have amounted to ten rupees.

It seems that the practice under the old law in some Custom-houses was to levy a fee or not, according to the discretion of the Collector. This is the view still held in Calcutta, and perhaps in some other Custom-houses.

Another interpretation of the section, however, —and this is the interpretation which it appears has been adopted recently in the Bombay Custom-house, —is that the law allows of the exercise of the Collector's discretion only in regard to permission to make an amendment; but that if such permission is given, the payment of the fee of one rupee must be insisted on.

It seems to the Governor General in Council that this is in fact the correct interpretation of the section. The law, as framed, does not extend any discretion to the payment of the fee, which follows necessarily on authority for the amendment being given, and it is only in regard to the authorization of an amendment that a discretionary power remains.

It has, however, been represented that the levy of the fee in every case without exception causes unnecessary hardship and annoyance, and as it is clear that the authority vested by law with the entire disposal of the revenue realised by such fees, and which can also direct their refund, is competent to dispense with their payment, the Governor General in Council is pleased to authorize Customs Collectors to dispense with the payment of the fee in cases in which its enforcement is not considered necessary to check carelessness and prevent unnecessary trouble being given to Customs establishments. His Excellency in Council does not doubt that the discretionary power now vested in Customs Collectors will be wisely and liberally exercised, and the great importance of maintaining, so far as may be possible, friendly relations between the mercantile community and the Customs establishments always borne in mind.

Cases sometimes occur in which alterations are made in the quantities entered in the papers presented by importers, the actual quantity as ascertained by weighment being found to be less than the invoice weight. In all such cases, duty should, of course, be charged on the quantities and qualities specified in the papers as amended, not as originally entered at the Custom-house.

(G. I., R., A. & C., No. 1, dated 2nd September 1878; *vide* G. R. No. 4797, dated 19th idem.)

20. *Vessels coming from or going to Camorta to be treated as vessels trading with Foreign Ports.* —As there is danger of illicit trade being carried on between the Straits Settlements and India *vid* Camorta,* the Customs officers should treat all vessels

* Under the notification by the Government of India, Home Department, No. 87, dated 1st April 1879, Camorta and Port Blair were declared by the Chief Commissioner of the Andaman and Nicobar Islands under Section 11 of the Sea Customs Act, 1878, to be ports for the shipment and landing of goods.

riving from that port or going thither as regards examination of goods and control by the Preventive Department as vessels trading with foreign ports. (G. I., R., A. & C., No. 83-C., dated 18th April 1879; *vide* G. R. No. 2182, dated 24th idem.)

21. *Arms.*—Weapons and firearms lying unclaimed in the Bombay and Karáchi Customs Houses should be handed over for disposal by the Collector of Customs, Bombay, to the Commissioner of Police, Bombay, and by the Collector of Customs, Kárachi, to the District Superintendent of Police, Kárachi. (G. Rs. Nos. ,921 dated 21st February 1879, and 1865, dated 10th March 1886.)

(1) Under Section 27 of the Indian Arms Act, 1878, the Governor General in Council is pleased to exempt from the prohibitions and directions contained in Section 6 of the said Act, such arms, ammunition, and military stores brought into an Indian port as may be declared under manifest to be consignments, without transhipment, to another port, provided such other port be not situate on the coast of India, between the most westerly point of India and the most southerly point of British Burma, and provided such port be not a foreign port on the eastern sea-board of Africa.

This exemption will become void in the event of any of the articles claiming such exemption being landed at, or transhipped in, the port into which they may have been brought.

(G. I., H. R. & A., Not. No. 1572, dated 29th August 1879; *vide* G. R. No. 4848, dated 11th September 1879; *vide* also G. R., J. D., No. 1687, dated 14th March 1882.)

(2) In continuation of Notification No 1572, dated the 29th August 1879, it is hereby declared that, under Section 27 of the Indian Arms Act, 1878, the Governor General in Council is pleased to exempt, from the prohibitions and directions contained in Section 6 of the said Act, such arms, ammunition and military stores brought into an Indian port as may be declared under manifest to be consignments without transhipment to another Indian port, provided that the port to which such arms, ammunition or military stores are consigned is one of the ports named in Rule 6 of the Rules published under Home Department Notification No. 518, dated 6th March 1879.

This exemption will become void in the event of any of the articles claiming such exemption being landed at, or transhipped in, any port other than that to which the articles are consigned.

(G. I., H. R. and A., Notn. No. 75, dated 14th January 1880; *vide* G. R. No. 377, dated 23rd idem.

(3) Doubts having arisen as to the procedure to be followed in respect the export of arms and ammunition to persons in Native States who enjoy privileges when in British India under the Arms Act and Rules, the Governor General in Council has been

pleased to specially empower the Commissioners of Police in Bombay and Madras and the Deputy Commissioner in Calcutta to grant export licenses subject to the conditions specified below, namely,—

(*a*) The consignment for export must consist only of arms and ammunition in reasonable quantities and for personal use.

(*b*) The consignee must belong to one of the classes of persons mentioned in clause I of Home Department Notification* No. 518 (Public), dated the 6th March 1879.

(*c*) In all cases of doubt, and specially when the consignee is not a European subject of Her Majesty, and a gazetted civil or commissioned military officer, the Commissioner or Deputy Commissioner of Police must refer to the Political authority in the Native State to which export is to be made.

(*d*) The licenses will be granted free of charge.

(*e*) The Commissioner or Deputy Commissioner will keep a list of such licenses.

(*f*) In all other respects the Commissioner or Deputy Commissioner will be guided by the existing rules relating to export licenses; and more particularly it will be necessary for him to send a copy of each license, as it issues, to the Political authority in the State to which the export is made.

(G. I., For. Dept., No. 1051-I., dated 22nd March 1884; *vide* G. R. No. 765, dated 27th January 1885.)

22. *Confiscations.*—When articles likely to be of use to Government for any purpose are confiscated for any reason by the Customs Department, the instructions of Government in the Revenue Department as to their disposal should be applied for and obtained. (G. R. No. 2153, dated 24th April 1880.)

23. *Customs Administration Report and Trade Review.*—The Government of India will not press for the incorporation of the Trade Review which forms the introduction to the Annual Volume of Statistics with the Administration Report of the Customs Department which latter may expediently be retained as a separate publication.

The Trade Review which is in its proper place at the beginning of the volume of Statistics, and should remain there, is hardly even yet, though it has been much improved recently, as full and complete as it should be. The trade of the Continental ports is very scantily treated, and generally both as regards foreign and coasting trade the causes of the fluctuation of trade are not discussed with the clearness and fullness required for the adequate interpretation of the statistics of a Presidency of such great commercial importance as that of Bombay.

* Republished in the *Bombay Government Gazette* under Government Notification, Judicial Department, No. 1484, dated 11th March 1879.

In the Customs Administration report all figures concerning trade that may be commented upon should be taken from the volume of Trade Statistics in order to avoid discrepancies between the Trade Review and the Administration Report. (G. I., F., C., No. 3256, dated 27th September 1881; *vide* G. R. No. 5956, dated 10th October 1881.)

24. *Buoys.*—No buoys should be removed from their position without the previous sanction of Government, for which timely application should be made. (G. R. No. 4650, dated 18th July 1882.)

(1) The 15th May should be fixed as the date before which no buoys should be removed. Timely notice should be given to Government every year of the exact date on which it is proposed to take up the buoys, the date being fixed in view of the circumstances of the season. It is essential that this should be done in order that the public may be informed in time of the date on which it is intended to raise each buoy. (G. R. No. 5990, dated 14th August 1883.)

25. *Verification in Turkish Consulates and by Customs authorities of manifests of certain articles exported from India to Turkish Ports.*—"With reference to a communication received from the Imperial Ottoman Embassy at London, I have the honour to state that, as the Roumanian Government, contrary to the interest of the Turkish Government, has increased the duties on the articles imported into that country from the Ottoman dominions, the Government of Sublime Porte have been compelled to make a similar increase, from the 21st of January 1886, in duty on the articles mentioned in the accompanying list, imported into Ottoman dominions from Roumania.

"I am, therefore, desired to request that the Government of this country will be kind enough to instruct the authorities concerned, to require the parties sending those articles from this country to any Turkish port, to get their manifests verified in the Turkish Consulates in order that these articles may not be taken as exported from Roumania. Where there is no Turkish Consulate, the Customs authorities may be instructed to verify such manifests. In case of there being no such verification on the manifests, the goods will be considered as exported from Roumanian ports."

Articles.	Rate.	Duty.	
		Piastres.	Paras.
Living oxen and cows	Per head ...	160	...
„ sheep and goats	„ ...	15	...
„ lambs and kids	„ ...	7	15
Butter, fresh, salted or artificial ...	Per 100 gross kilos.	225	..
Fat	„ ...	150	...
Cheese preserved in salt-water, cheese dry, cheese kept in leather bags ..	„ ...	750	...
Salted and dry fishes	„ ...	125	...
Wheat	„ ...	5	...
Rye, maize (Indian wheat), barley, oats, and millet „ ...	„ ...	10	...

Articles.	Rate	Duty.	
		Piastres.	Paras.
Wheat-flour	Per 100 gros kilos.	30	...
Other flour	,, ...	20	...
Dry French bean	,, ...	17	30
Spirits in Casks	,, ...	100	...
Observations.—Spirits in bottles will be charged 50 per cent. more.			
Purified and unpurified rock oil ...	,, ...	40	...
Timbers (no deduction allowed for the distance occurring in measurement between the pieces of wood tied in a bundle)—			
(*a*) Timber in blocks cut by saw and smoothed with planes (Galatz), planks, narrow planks, and the like	Per cubic metre.	30	...
(*b*) Poles, masts, rafts, and the like.	,, ..	20	...

The duty will be levied in Turkish pounds equal to 200 piastres.

(Letter from the Consul-General for the Ottoman Empire at Bombay, No. 37, dated 19th October 1886; *vide* G. R. No. 7765, dated 3rd November 1886.)

26. *Turkish Vessels.*—The Commissioner of Customs should supply the Consul General for the Ottoman Empire at Bombay at the end of every month with a list of all the vessels under Turkish flag, such as buglows, &c., passing and repassing the port of Bombay, showing their names, tonnage, the names of captains, the particular country to which they belong, and the number of crews. (G. R. No. 7933, dated 10th November 1886.)

27. *Certificates of origin for British goods exported to Spain.*—The following circular was issued by the Vice-Consul for Spain, Bombay, on 31st January 1898:—

Shippers to Spanish ports are informed that certificates of origin have to be made out in duplicate and in accordance with the model A annexed. The original must be signed by one of the following authorities before whom the shippers' declaration is to be made and the invoices of the goods be presented, viz.:—

The Chamber of Commerce, the Mayor, the Police Magistrate (not J.P.'s) and the Customs authorities. It will be viséd then by the undersigned. The duplicate will be retained at the Vice-Consulate, but need not be signed by the authorities.

It is recommended that certificates be made out in Spanish or French in order to avoid the trouble, expense and delay which may occur by their having to be translated if written in other languages.

A

FORM FOR MERCHANT'S DECLARATION.

Certificate of Origin.

I, the undersigned (1) .....
do hereby certify that Messrs. (2) .....

.....Merchants of (3) Bombay, have declared before me, under their own responsibility, that the goods mentioned below are of British origin and manufacture, according to *bonâ-fide* invoices which have been presented to me by the senders, which goods are to be sent to (4) .... and consigned to (5) Messrs..... of.....

Number and description of packages.	Marks.	Numbers.	Gross weight in kilos.	Class and description of goods.

Declared under our own responsibility (6)

(7).....

(8).....

Directions—

1. Name of authority issuing the certificate.
2. Name of Merchants.
3. Full address of Merchants.
4. Place of destination in Spain.
5. Name, profession and address of consignees in Spain.
6. Signature of Merchants.
7. Date and signature of authority issuing the certificate.
8. Consular Legalization.

The validity of this certificate expires six months from the date of the vise.

The new form of certificate issued by the Vice-Consul for Spain in Bombay has been adopted, but it has been directed that the origin or manufacture of the goods mentioned in it should be specified as British Indian, Native Indian, Persian, Arabian or Chinese, as the case may be. The Collector cannot accept signatures of leading firms on this certificate without requiring the presence of their representatives at the Customs House (G.R. No. 1720, dated 9th March 1858.)

28. *Certificates of origin for goods exported to Italy.*—The Italian Government having failed to renew the Treaty of Commerce with France have been compelled to adopt reciprocity of treatment towards almost all descriptions of French goods imported into Italy, enforcing a differential tariff. In order to avoid possible errors of judgment by subjecting other foreign goods to such differential treatment, the Italian Government have decided upon having recourse to certificates of origin to be enforced as per the following directions:—

The certificates of origin may be granted either by the Chambers of Commerce or similar autho-

rities, by the Italian Consuls or Municipal authorities as also by Foreign Customs.

The required document should contain marks, quality and quantity of goods and certify that they are products of the soil or industry of the country from which they are shipped.

The Customs officers may be satisfied instead of the above certificates of origin with the simple original invoices, and they are authorized also not to request production of invoices for such goods that may bear the characteristic mark of the products of the country of origin or form almost a monopoly such as the typical wines, pilchards of Spain, English herrings, Sweden stock fish, &c., &c.

The said certificate of origin will not be wanted for goods coming directly from the country of production, provided they have not been transhipped or the steamer called at any intermediate French port or ports.

As for the parcels post, the declaration of the sender will stand for the certificate of origin.

The Customs authorities are allowed all discretion in dealing with such certificates of origin, provided they should be amply satisfied as to the origin of goods, and they are instructed not to embarrass or check the trade by enforcing this new rule until ample time has elapsed for it to be known abroad.

This new rule is not applicable to small parcels carried by passengers for which the usual Customs tariff will be enforced.

(G. R. No. 3323, dated 23rd May 1888.)

29. *Establishments.*—So long as arrangements are made for recovering the cost of pensions and allowances in accordance with Article 823 of the Civil Service Regulations, the sanction of the Government of India is not necessary to such appointments as that of a clerk on Rs. 40 a month entertained in the Prince's Dock establishment at the cost of Messrs. Shepherd & Co. (G. I., F. & C., No. 2934, dated 12th June 1889; *vide* G. R. No. 4923, dated 9th July 1889.)

(1) The establishments attached to the Chief Account Officer of Customs, Salt, and Opium and the office of the Reporter General of External Commerce which are under the direct control of the Commissioner of Customs, Salt, Opium and A'bkári, should be considered as one in the matter of transfers and promotions. (G. R. No. 8927, dated 12th November 1892.)

30. *Purchase, construction and repairs of launches, vessels, &c.*—The obtaining of a steam launch from England through a private firm is inadmissible, being in contravention of the orders contained in the Resolution of the Government of India, Finance Department, No. 2586, dated 23rd May 1889, regarding the supply of European stores

required for the public service. The Secretary of State has also clearly laid down in his despatch No. 139 (Military), dated 31st July 1890, that the purchase of a vessel in India without his previous sanction is a departure from the orders prohibiting local purchases.

The rules contained in the following Resolution of the Government of India in the Public Works Department, No. 455 M., dated 30th December 1890, do not make it compulsory on Local Governments or Departments to have their launches built in the Bombay or Kidderpore Dockyards under all circumstances. It is, however, considered desirable that those establishments should be employed as largely as possible: —

"In supersession of previous orders on the subject the Governor General in Council in pleased to approve of the following modified rules on the subject of the construction and repair of steam-boats, launches and other vessels for the use of Government by the Government dockyards at Calcutta or Bombay, and by private firms.

"(2) In future, work which is connected with the construction of Government vessels must, in all cases, be carried out either by Government workshops or dockyards, unless for any special reason it appears that the employment of private firms will be more economical, or if workshops or dockyards are unable, by press of other demands, to execute the work as speedily as is necessary.

"(3) Local Governments and Administrations are at liberty in every case to call for estimates for any work which has to be done, both from Government dockyards and private firms simultaneously, and to decide, with reference both to the amount of the tenders received and to other considerations, how the work shall be executed.

"(4) An annual return is to be submitted on the 31st December of each year to the Government of India showing all cases in which work, of the nature referred to, has been given to private firms in preference to Government workshops or dockyards, with a full explanation of the reasons which led to the employment of the private firms.

"(5) As regards repairs to Government vessels, Local Governments and Administrations, except those of Bengal and Bombay, where Government dockyards exist, will probably find it to their advantage to have such repairs as may be required executed locally, and the return prescribed in the preceding paragraph need not therefore, in their case, specify repair work executed by private firms. In the case of the returns from Bengal and Bombay, the returns should, however, specify such repairs, which should be executed, whenever possible, at the Government dockyards."

(G. I., Mar. Dept., No. 586, dated 26th June 1891; *vide* G. R. No. 4727, dated 11th July 1891.)

31. *Portuguese Custom-houses, &c.*—The following Resolution of the Government of Portuguese

India and statements showing the land and sea custom-houses and the chaukis and guard posts under them on the sea board and land frontier of the Portuguese Settlements of Goa, Daman and Diu, which have been received from His Excellency the Governor General of Portuguese India, are published for general information :—

"No. 71.—In order to put into execution what has been determined by Resolution No. 23 of 14th ultimo, regarding the re-establishment of the Customs Rules in force before the Anglo-Portuguese Treaty of 26th December 1878, I deem it convenient, after hearing the Acting Commissioner of Customs, to declare, on behalf of the Governor General, that the land and sea customs-houses and the chaukis and outposts under them are the following :—

The New Goa Custom House.
Chauki at Agoada.
Customs House at Mormugoa.
Customs Post at Col.
Do. at D. Paula (*a*).
Delegation at Collem.
* * *
Customs House at Sanguem.
Post at Tivem.
Chauki at Mollim (*b*).
Do. at Intorlim.
Do. at Naiquinim.
Do. at Zewa.
Do. at Cuessim.
* * *
Customs House at Betul.
Post at Agonda.
Do. at Nuem.
Do. at Cabo de Rama.
Do. at Canauguinim.
Do. at Cavelassein (*a*).
Do. at Serambatim (*a*).
* * *
Customs House at Talpona.
Chauki at Pollem.
Do. at Supanguddi.
Do. at Palvodim.
Do. at Peramarogo.
Do. at Butpalle.
Do. at Udenool.
Do. at Galgibaga (*a*).
* * *
Customs House at Chapora.
Chauki at Tiracol.
Post at Quirampanim.
Do. at Sanvarzuna.
Do. at Morgim.
Do. at Baga (*a*).
* * *
Customs House at Doromarogo.
Chauki at Chandel.
Do. at Tarxem.
Post at Sallem.
Do. at Singuervalle (*a*).
Do. at Neibaga.
Do. at Avcornem.
* *

(*a*) These posts are guard-houses.
(*b*) The present chauki was established in substitution of the former custom-house.

Customs House at Sanguelim.
Chauki at Veluz.
Do. at Quelandem.
Do. at Manliguem.
Post at Quelgate (*a*).
Do. at Churchirem.
Do. at Codal.
Do. at Surla (*a*).

Thus the above substitutes the Resolution No. 29 of the 16th ultimo published in the *Government Gazette* No. 7.

All authorities and other persons concerned in the execution of this will so understand and duly execute it.

(Signed) J. M. C. TABORDA,
Secretary-General.

Government House, Panjim,
10th February 1892.

COPY.

Statement showing the Chaukis and Posts under the Daman Customs House.

Districts.	Designation of Customs Houses and their Chaukis and Posts.	Remarks.
District of Daman.	Daman Custom House...	Levying post.
	Chauki at Bensolor ...	
	Post at Varacunda ...	
	Do. at Colieque ...	
	Do. at Atiavar ...	
	Do. at Dabel	
	Do. Bamampuja ...	
	Do. at Calem	
	Do. at Palcete ...	
	Do. at Lower Daman..	Guard-house.
	Do. at Vôr	
	Do. at Patalia... ...	
	Do. at Vanguinim ..	
	Do. at Nandi	
District of Nagar Avely.	Chauki at Dadra ...	Levying post.
	Post at Algad	
	Do. at Duemedy ...	
	Do. at Racoly... ...	
	Do. at Velugao ...	
	Do. at Randa	
	Do. at Silly	
	Do. at Querdi	
	Do. at Dudonim ...	
	Do. at Cumbaivary ...	
	Do. at Luary	

(Signe) J. F. DESOUZA GASPAR,
Acting Commissioner of Customs.

New Goa, 16th June 1892.

(*a*) These posts are guard-houses.

CUSTOMS.]

COPY.

Statement showing the Posts under the Diu Customs House.

Designation of Customs Houses and their Posts.	Where situated.	Remarks.
Diu Custom House.		
Post at Brancavara...	On the Brancavara Bandar.	Levying post.
Do. at Gogola ...	At the Gogola Gate.	
Do. at Passo Covo...	In the Passo Covo Fort.	
Do. at Passo Secco.	In the Passo Secco Fort.	
Do. at Simbor ...	In the Simbor Fort.	Levying post from October to February every year during the bumblo-fishing season.
Do. at Brancavara ..	In the Brancavara Fort.	Guard-house.
Do. at Nagoa ...	In the Nagoa Fort.	
Two posts at Gogola.	In the Gogola village.	

(Signed) J. I. DESOUZA GASPAR,
Acting Commissioner of Customs.

New Goa, 16th June 1892.

(True Copy)

(Signed) J. M. C. TABORDA,
Secretary-General

Secretariat-General, 20th June 1892.

(G. N. No. 7254, dated 13th September 1892.)

32. *Inspection of sea-going vessels.*—The Commissioner of Customs, Salt, Opium and A'bkári should issue to the officers subordinate to him instructions similar to those issued by the Commissioner in Sind to the Customs Preventive Service at Karáchi and the Customs officers elsewhere in Sind to inspect sea-going vessels and to report to the proper authorities all cases of infringement of the rules for preventing collisions at sea which may come to their notice. (G. R. No. 6414, dated 5th September 1893.)

No 661 23/10/99

ENCUMBERED ESTATES.

I.—Gujarát Encumbered Estates.

1. In the case where the lands handed over to the manager appointed under Act XV of 1871* are in the possession of tenants of the mortgagees, the standing crops clearly belong to the tenants of the mortgagees, and the manager should only collect from them the rent in grain or in money which they had agreed to pay to the said mortgagees.

In the case where the lands were cultivated by the mortgagees personally, the standing crops should be enjoyed by the mortgagees personally in lieu of the landlord's rent; the Talukdári Settlement Officer should levy from them an assessment equivalent to the ordinary assessment collected by Government from similar lands in the neighbourhood.

In the first of the cases above mentioned, if the rents agreed to be paid by the cultivators to the mortgagees shall be found to be excessive, the manager need only levy from the cultivators rents equivalent to the ordinary assessment on similar lands held under Government in the neighbourhood.

The rents thus collected from the mortgagees or the sub-tenants of the mortgagees should be taken into account in the ultimate settlement of debts between the Talukdárs and the mortgagees. (G. R. No. 1351, dated 22nd March 1872.)

* Repealed by Act XIV of 1877, which with the exception of the last three sections has been repealed by Act XXI of 1881.

2. The manager may compel the production of any documents, no matter in whose possession, under Section 14† of the Broach Thákors' Relief Act, No. XV of 1871. (L. R. No. 80, dated 6th July 1874; *vide* G. R. No. 3608, dated 14th idem.)

† Cf. Section 35 of Act XXI of 1881.

3. If a Thákor whose estate is managed under Act ‡ XV of 1871 succeeds to an estate encumbered with debts, those debts cannot be settled according to the rules applying to liabilities for the liquidation of which the Thákor's original estate was brought under the Act. Section 9§ of Act XIV of 1877 describes the consequences which are to ensue upon the publication of the order of management, but each of the consequences refers only to "the debts and liabilities mentioned in Section 8," which are "all debts and liabilities to which the Thákor is subject, or which are charged on the whole or any part of his immoveable property" *on the date of the publication of the order of management*. And although Section 8 ‖ expressly provides that the order of management shall extend to all immoveable property "which may be acquired by or devolve on the debtor during the continuance of the management," there is nothing in Part IV of the Act (which deals with "the proof of debts and the scheme for liquidation") to empower the manager to prepare a scheme for the liquidation of subsequently acquired debts and liabilities. (L. R. No. 1102, dated 25th September 1877; *vide* G. R. No. 6000, dated 5th October 1877.)

‡ Now Act XXI of 1881.

§ Cf. Section 9 of Act XXI of 1881.

‖ Cf. Section 8 of Act XXI of 1882.

4. A holder of wazifa land is not a Thákor within the meaning of Act XIV* of 1877. The tenures under which wazifa and jághír lands are held differ so materially that a jághirdár cannot include a wazifdár. A Thákor, the bulk of whose property is in a district other than those of Broach and Kaira, cannot be considered to be within the scope of the Act, because he may happen to have 15 or 20 acres of land within those districts. (Adv. Gen. No. 8 of 1878; *vide* G. R. No. 330, dated 21st January 1878.)

* Now Act XXI of 1881.

5. It appears that in the case of a joint application under the Broach and Kaira Encumbered Estates' Act, it is competent to the officer who makes the enquiry under Sections 5 and 6 to require the applicants to give precise information as to whether they are or are not divided in estate, and as to whether their debts are joint or separate debts, and it is competent to the Commissioner under Section 7 to direct further enquiry on this point.

But where both the debts and the estate are joint, the application ought to be made in the joint names of all the co-parceners, and the order of management ought to include all such co-parceners' names.

The individual liabilities of several separated brethren cannot legally be clubbed together. If the applicants are really divided in estate, the case of each one of them ought to be dealt with separately on its own merits. Undivided brethren do, it is true, occasionally own separate property of their own (see the note at page xli of the introduction to West and Bühler's Digest of Hindu Law, Book I and the authorities there referred to), but even then their debts are usually the joint debts of the family and not their own merely. And even if the debtor who makes an application under the Act is an undivided brother having separate property and separate liabilities, the order of management can only properly extend to his separate property and to his individual share in the undivided property. The Act would not justify the manager in interfering with the other parceners' shares in the undivided estate unless they also happened to have taken the benefit of the Act on separate applications, and each share would have to be separately released from management as soon as the liabilities charged upon it were liquidated. (L. R. No. 123, dated 12th February 1878; *vide* G. R. No. 903, dated 19th idem.)

6. The Commissioner should not grant applications under the Broach and Kaira Encumbered Estates Act except under peculiar circumstances, unless there is reason to suppose or know that the debts exceed the total amount of five years' net profits of the applicants' respective estates. The determination of what constitutes 'peculiar circumstances' is left entirely to him. (G. R. No. 4425, dated 29th August 1878.)

7. When a separate estate burdened with debts devolves on a debtor whose estate is already under

management, the proper course is to notify the fact and to issue a separate notice to the creditors under Section 12 of Act XXI of 1881 as if the estate had been formally brought under management. (L. R. No. 1524, dated 27th November 1882; *vide* G. R. No. 8623, dated 9th December 1882.)

8. In exercise of the power conferred by Section 3 of the Broach and Kaira Encumbered Estates Act, 1881, the Governor in Council is pleased, with the previous sanction of the Governor General in Council, to declare that the Máliks of Thásra in the District of Kaira are Thákors for the purposes of the said Act. (G. N. No. 5295, dated 16th July 1883.)

9. Under Section 9 of Act XXI of 1881, as soon as an order of management is published in the *Bombay Government Gazette*, all proceedings in respect to the debts and liabilities to which the debtor therein named is subject, shall be stayed, and the operation of all processes, executions and attachments then in force in respect of such debts and liabilities shall be suspended, and no fresh proceedings, processes, executions or attachments shall be instituted in or issued by any Civil Courts in British India in respect thereof. Under No. 12* of the rules made under Section 31 of Act XIV of 1877 and saved by Section 2 of Act XXI of 1881, a copy of the Commissioner's notification shall be affixed in the Court of the Subordinate Judge within whose jurisdiction the debtor resides or the bulk of his estate is situated, and one copy in the Court of the District Judge to whom such Judge is subordinate.

**Vide* page 537 of the Compilation of General Rules in force in the Revenue Department, third edition.

This is intended to give the Courts intimation of the fact that a debtor's estate is under management.

But it does not appear that a Court could act on such an intimation alone.

The mere production of the published order would, under Section 78 of the Evidence Act, 1872, be sufficient proof of the notification.

But the Court must of course be satisfied that the debtor in respect of whom execution is sought, is the person referred to in the order of management, and cannot of its own motion raise an objection without evidence adduced or allegation made.

The Collector's certificate would have to be produced by somebody.

The Courts cannot carry on their judicial proceedings by official correspondence, and the certificate would be no proof that the debtor was the person referred to in an order.

The production of the order would do all that the production of the certificate could do, and if the identity of the debtor with the person mentioned in the order were challenged, the Court could not dispense with evidence on that point on the mere strength of the certificate.

If any proceedings in execution are instituted or continued after an order of management barring,

staying or suspending them, they are absolutely void, and no sale under them will pass any property to the purchaser, and any attempt by the purchaser to obtain possession could be at once defeated on the production of the order of management by or on behalf of the manager.

No trouble would be saved by substituting a certificate as evidence for the order of management which is already evidence the genuineness of which the Courts shall presume (Section 81 of Act I of 1872).

It is not necessary to satisfy the Court that the property attached is under management, but only that the debtor is a person in respect of whose debts and liabilities an order of management has issued.

No formal application for the removal of attachment is necessary. Objection might be taken to the whole of the proceedings in execution at any stage as barred, stayed or suspended under Section 9 of the Broach and Kaira Encumbered Estates Act, 1881. (L. R. No. 286, dated 25th February 1891; *vide* G. R. No. 1916, dated 14th March 1891.)

10. Sub-section 4 of Section 11 of the Broach and Kaira Encumbered Estates Act XXI of 1881, contemplates that the periodical allowance for the maintenance and other necessary expenses of a debtor may be fixed from time to time by the Commissioner. But from its position in the Act it seems probable that Section 11 was intended, though it is not expressly so stated, to apply only to the disposal of sums realized before the sanction of the liquidation scheme. There is no power expressly given by the Act to modify the liquidation scheme after sanction. (L. R. No. 464, dated 26th April 1893; *vide* G. R. No. 4200, dated 9th June 1893.)

11. It is not possible to amend the scheme which has been sanctioned by the Commissioner for the liquidation of the debts of a deceased Thákor by inserting therein the debts incurred by his successor before he succeeded to the estate, and providing for their payment. The only course which can be adopted is for the Thákor, when the management under the existing scheme terminates according to Section 26 of Act XXI of 1881, to make another application for the benefit of the Act. (Adv. Gen. No. 54, dated 16th May 1893; *vide* G. R. No. 4200, dated 9th June 1893.)

II.—SIND ENCUMBERED ESTATES.

1. By the Sind Encumbered Estates Act, the Commissioner in Sind is authorized to exercise general control over the Manager of the Estates in financial as well as other matters. (G. R. No. 6971, dated 21st November 1877.)

2. If the members of a family have divided their estate and have been separately assessed by Government in respect of the lands in their respective holdings, each such member must be dealt with under Act XIV* of 1876 separately, and will be entitled to relief only if the assessment on his own

* New Act XX of 1896.

lands has amounted to not less than Rs. 300. Each of such separated members will have incurred distinct liabilities for which he alone is responsible, and there is nothing in the Act which authorizes the clubbing of several of such individual liabilities together. (L. R. No. 334, dated 9th April 1877; *vide* G. R. No. 2552, dated 20th idem.)

3. The amount of *assessment* recorded against a landholder in the Government accounts is what has to be looked to in determining whether he is a zamindár within the meaning of the Sind Encumbered Estates Act or not. Casual remissions do not affect the amount of assessment, and should not be taken into account. (L. R. No. 334, dated 9th April 1877; *vide* G. R. No. 2552, dated 20th idem.)

4. It is only "if the property be in possession of any person claiming to hold under a lease dated within three years immediately preceding the commencement of the management" that the sufficiency of the consideration for which the lease was given may, under Section 21 * of Act XIV of 1876, be enquired into. It is, therefore, immaterial when the lessee's possession commenced, but it is indispensably necessary that the lease, under which he *bonâ fide* claims to hold, should be dated within three years before the commencement of the management. (L. R. No. 675, dated 23rd July 1877; *vide* G. R. No. 1630, dated 30th idem.)

* Cf. Section 22 of Act XX of 1896.

5. The Commissioner's sanction of a liquidation scheme should be notified at the Court of the Subordinate Judge within whose jurisdiction the debtor resides, or the bulk of his estate is situated, and at the Court of the District Judge to whom such Judge is subordinate. The sanction should also be notified in the *Sind Official Gazette*, both in English and in Sindhi. (G. R. No. 3306, dated 1st July 1878.)

6. Section 18† of Act XIV of 1876 enables the Commissioner, at any time before he has sanctioned a liquidation scheme, to retrace the steps taken in placing an estate under the Act and to restore the *status quo ante*. This then is the obvious course for the Commissioner to pursue whenever he has reason to think that the debts are of too insignificant an amount to justify his further intervention under the Act.

† Cf. Section 19 of Act XX of 1896.

But one of the results of the Commissioner's restoring the *status quo ante* is (*vide* Section 18, Clause *d*‡) that the debts and liabilities barred by Section 13§ (*i.e.*, those which have not been notified to the manager within the time and in the manner required by his notice issued under Section 11‖), revive. If then creditors hold back in the hope of inducing the Commissioner to put an end to the management under Section 18¶, and that their claims may be thus revived, it is not desirable that they should be allowed so to frustrate the purpose of the Act. Although, therefore, the liquidation scheme in any such case may be so only in name, the Commissioner would be perfectly justified in

‡ Cf. Section 19, Clause *d*, of Act XX of 1896.
§ Cf. Section 14, *ibid.*
‖ Cf. Section 12, *ibid.*
¶ Cf. Section 19, *ibid.*

sanctioning it if he is satisfied that the case was a proper one for the application of the Act originally. He should sanction the scheme, and allow the management to continue long enough (1) to pay off the debts and liabilities, if any, which do appear in the scheme, and (2) to bar all the claims which have not been duly notified. Mention might be made in the scheme of the fact that several of the claims, believed from the result of the preliminary enquiry to have existed, have not been notified, and that these will, therefore, be deemed under Section 13 "to have been duly discharged" without any payment being necessary from the income of the estate, and this in itself would be a good reason for the Commissioner's sanctioning the scheme. The result will be that the termination of management will be notified by the manager under Section 25*, at a much earlier date than it otherwise could have been, and the debtor will be discharged from all liability to the creditors who did not, as well as those who did, notify their claims against him to the manager. (L. R. No. 875, dated 26th July 1879; *vide* G. R. No. 4134, dated 7th August 1879.)

* Cf. Section 27 of Act XX of 1896.

7. Section 7 † of the Sind Encumbered Estates Act, 1876, enacted that the order of management shall extend to "all immoveable property of or to which the debtor is on the date of its publication possessed or entitled in his own right." All immoveable property of which the debtor is found in possession should, therefore, be taken into management by the manager, and he should not relinquish any portion of the property except upon due authority. His own opinion that a third party's claim to a portion of the property is well-founded would not be due authority, for the Act does not authorize the manager to determine questions of proprietary title between the debtor and other claimants. But the decree of a competent Court or the award of a duly appointed arbitrator would be due authority, and so also would the admission of the debtor himself; and if by any of these means the manager is satisfied that he has taken into his management property to which the debtor is not entitled, he would be justified in relinquishing possession of it to the rightful person, but not otherwise. (L. R. No. 384, dated 7th April 1880; *vide* G. R. No. 1962, dated 15th idem.)

† Cf. Section 8 of Act XX of 1896.

8. When an estate is held jointly by a person who is a zamindár under the Sind Encumbered Estates Act (XX of 1881) and by one who is not a zamindár under the definition in the Act, the estate cannot legally be placed under management. Section 8 ‡ of the Act enacts that the order of management "shall extend to all immoveable property of or to which the debtor is on the date of its publication possessed or entitled in his own right, &c. Now when property is held by two persons jointly, neither of them can be said to be possessed or entitled to any portion of that property in his own right, for they are each of them interested

‡ Cf. Section 8 of Act XX of 1896.

in every portion of it and, moreover, the provisions of Chapters III, IV and V of the Act are absolutely inconsistent with any person other than the zamindár being interested in the property put under management. The zamindár is entitled to have the estate partitioned, and after partition he would be entitled to the benefit of the Act in respect of the portion allotted to him. (Adv. Gen. No. 63, dated 31st August 1883; *vide* G. R. No. 6869, dated 15th September 1883.)

9. Jághírs held as life-holdings which after having come under management have lapsed to Government, owing to the deaths of the jághírdárs after they have been leased under Section 22* of the Act by the manager, are not jághírs to which provisions of Act XX of 1881 can be held to apply. A jághírdár under this Act means a person in possession of jághír land continued under the conditions described in Section 3†, and jághír land includes not only the land, but a share held *hereditarily* of the revenues of a Government village. A life-interest in a share of the revenues of a village is not a jághír within the meaning of the Act.

* Cf. Section 22 of Act XX of 1896.

† Cf. Section 2, *ibid.*

The provisions of the Act apply to jághír, whether they are grants of land or of a share of the revenues continued as hereditary property, and the manager has power to demise either the land itself or the share of the revenues, as the case may be, for a term of two years, if his liquidation scheme has not yet been sanctioned, or a term of twenty years, if it has been sanctioned. Should the jághír revert to Government as *ultimus hæres* through failure of heirs and intestacy of the jághírdár, if the management has not been terminated, Section 27 of the Act provides that the management shall continue and proceed in all respects as if the jághírdár were still living. Under all circumstances all leases lawfully granted by the manager must continue in force for the full period for which they have been granted.

With regard, therefore, to the jághírs held as life-holdings which have been illegally brought under management, the occupants who hold the lands under the jághírdár are entitled on his death to be entered as registered occupants, and all leases of the property constituting the jághír are liable to be set aside as invalid, the manager having no authority to grant them.

With regard to the jághírs which have been legally brought under management, leases of the property constituting the jághir are valid for the time they are fixed to run, that is to say, if the manager grants a lease of the jághír land, the expression "Jaghír land" in the lease must be understood to mean either the actual land or the jághírdár's share of the revenue, according to the nature of the grants. Where the lessees actually hold the land, whereas the lease only entitles them to hold a share of the revenues, they must be restricted to the terms of the

lease. The cultivators with zamindári rights will not be the lessee's tenants but inferior holders paying the land revenue to the lessee as superior holder for the period of his lease.

Government is not bound to recognize any leases which the manager may have made of jághír property held as life-time holdings, and on such property reverting to Government by reason of the death of the holder the survey settlement may be introduced and the rates thereof enforced regardless of any more favourable rates under which any lessees hold the land.

The Collector has power, under Section 111 of the Land Revenue Code, to let out the lands belonging to any jághír estate under management at survey rates or such other rates as he may deem to be reasonable, and the terms of any lease which the jághírdár (or his agent, the manager) may have made relating to the land, shall not operate to the detriment of the lawful claims of Government on the land. (L. R. No. 415, dated 10th April 1892; *vide* G. R. No. 2759, dated 27th idem.)

* Cf. Section 10 of Act XX of 1896.

10. Under Section 10* of Act XX of 1881 the manager shall, during the management of the property, have all powers which the owner thereof might, as such, have legally exercised. The manager, therefore, can legally sell the property. This power, however, is limited by the proviso of the same section to the effect that he may not, before the liquidation scheme has been sanctioned, demise the property for any term exceeding two years.

† Cf. Section 24, *ibid.*

Again, under Section 24† of the same Act, at any time after the liquidation scheme has been sanctioned, the manager, with the previous assent of the Commissioner, shall have power to raise any money required for carrying out the liquidation scheme, by

(*a*) mortgaging the whole or any part of the property,

(*b*) selling such portion of it as may appear expedient,

(*c*) borrowing money from §Government.

‡ Cf. Section 27, *ibid.*

Section 26‡ of the same Act provides for the restoration of the property or such part thereof as has not been sold by the manager under the powers conferred by Section 24.

While, therefore, all the legal powers of the owner are vested in the manager, the exercise of these powers is made entirely subject to the control of the Commissioner and is limited to such portion of the estate as it may be considered expedient to sell in order to give effect to the liquidation scheme.

A liquidation scheme which contained a proposal to sell the whole estate under management in order to pay off the total amount of debts shown in the schedule, including advances and cost of management, would, therefore, be entirely opposed to the

§ In this connection please see para. 15 of this section.

spirit and object of the Act, and should not be sanctioned.

The liquidation scheme should show how the estate under management can be disencumbered with a view to its ultimate restoration to the owner, and not how it should be severed from the owner. If it is proposed to sell any portion of the estate to raise funds, the liquidation scheme should, if possible, show what definite portion of the estate should be sold; and as the proper working of the provisions of the Act must depend altogether on the kind of discretion exercised by the Commissioner in sanctioning the sale of any portion of an estate under management, it is clear that any proposal to sell the whole or the greater portion of an estate should be discountenanced as illegal and impolitic.

It seems only too obvious that if the sale outright of an estate would suffice to pay off the total amount of the owner's debts, *a fortiori* prudent management for a number of years would lead to the same result and preserve the estate intact.

It seems also clear that a sale of the entire estate to pay off only a small proportion of the debts marshalled under Section 11* of the Act would be a direct breach of the contract which the liquidation scheme represents, under the terms of which the creditors are entitled to receive the amount awarded them in respect of the debts or liabilities due or owing to them which the liquidation scheme has operated to extinguish. (L. R. No. 618, dated 31st May 1882; *vide* G. R. No. 3906, dated 17th June 1882.)

* Cf. Section 11 of Act XX of 1896.

11. The views expressed in the following opinion of the Advocate General No. 111, dated 11th December 1882, should be acted on :—

"In answer to query 1† it seems to me that, having regard to Section 2 of Act XIV of 1876 and Section 3‡ of Act XX of 1881, the time to which it is necessary to look, in order to determine whether the character of the jághír in question was hereditary or not, is the 17th of February 1843. I think that if the share of revenue was then held hereditarily and if the person whose status as a jághírdár has to be decided was found at the date of the application contemplated by Section 3 of the Act of 1876 or 4§ of the Act of 1881 to have that share of revenue or a portion thereof continued to him, and to have a sanad granted to him or his ancestor in conformity with terms of Sections ‖2 and 3 of these Acts, respectively, he was a jághírdár in whose behalf an order might be made under Section 6 of Act XIV of 1876 or Section 7¶ of Act XX of 1881. I have not come to this conclusion without hesitation; as the language of the Acts admits of more than one interpretation, and as I doubt whether the interpretation above given is that which was intended by the framers of the Act: but it seems to me to be the one most in conformity with the words used, and I can see no reason why 'portion' should not be a portion in duration as well as a portion in extent. When the jághír consists of land there can be no difficulty * * * .

† 1. Whether a grant in jaghir of the Government share of the revenues and soil for a life-time, or to be regranted for one generation to the lineal male heir of the incumbent at the date of the battle of Meance, subject on such regrant to a deduction of one-fourth, is an estate which can be managed under the Sind Encumbered Estates Act XX of 1881?

‡ Cf. Section 2, *ibid.*

§ Cf. Section 3, *ibid.*

‖ Cf. Section 2, *ibid.*

¶ Cf. Section 7, *ibid.*

"In answer to query 2 * I think that, having regard to Sections † 26 and 27 of Act XX of 1881, the share of revenue still remains under management for the purposes of the Act notwithstanding that the interest of the jághírdár may have lapsed pending the management. I also think that, notwithstanding such lapse, leases made by the manager in conformity with Section 22 of Act XIV of 1876 or Section 23‡ of Act XX of 1881 and the rules, if any, made in that behalf by the Commissioner under Sections § 30 and 31 of the Acts, respectively, hold good until the expiration of the terms for which they may have been granted, which terms cannot exceed 20 years in duration."

† Cf. Sections 27 and 28 of Act XX of 1896.

* 2. Whether, in the event of the grant lapsing before the termination of the management, the Government share still remains under management for the purposes of the Act until the termination of the management; and whether all leases or mortgages granted or made by the manager, under the authority of the Act, hold good for the period for which they are granted or made, not exceeding 20 years?

‡ Cf. Section 23, *ibid.*

§ Cf. Section 33, *ibid.*

(G. R. No. 16 dated 3rd January 1883.)

12. Expended advances made before a liquidation scheme is sanctioned, are part of the 'costs of the management' and by clause (1), Section 11 of Act XX‖ of 1881, they are made a first charge upon the sum received or recovered by the manager under Section 10, whether before or after a liquidation scheme is sanctioned. They may, therefore, be recovered, before an order is made under Section 19 of the Act for relinquishing the estate, by the exercise of any of the powers with which the manager is invested by Section 10 previous to the sanction of a liquidation scheme. One of these powers is the grant of a lease for any term not exceeding two years of the whole or any part of the property under management. (L. R. No. 650, dated 6th May 1883; *vide* G. R. No. 4166, dated 23rd idem.)

‖ Now Act XX of 1896.

13. According to Section 26¶ of Act XX of 1881 the Manager, Sind Encumbered Estates, cannot terminate his management of any part of the estate until the whole of the debts and the amount of any loan received are paid off. But when there is no other creditor but Government, there is nothing to prevent Government from consenting, on such terms as they think fit, to allow certain portions of the estate to be freed from management. (L. R. No. 619, dated 6th May 1884; *vide* G. Rs. Nos. 4176, dated 23rd idem, and 5270, dated 2nd July 1884.)

¶ Cf. Section 27 of Act XX of 1896.

14. According to Section 20 of the Sind Encumbered Estates Act, the sanction, by the Commissioner, of the liquidation scheme bars for ever all proceedings by a creditor in a Civil Court for the recovery of any debt due by the debtor to him, and the creditor is entitled to receive under the liquidation scheme only the amount finally awarded to him under Chapter IV of the Act in respect of such debt. In the case, therefore, of a creditor who holds moveable property in pledge for the repayment of the debt due to him, his legal lien upon that property determines the moment tender is made to him under the liquidation scheme of the amount finally awarded to him under Chapter IV. If, however, he refuse to restore the property to the debtor, it does not appear that the manager has any summary power

to compel him to do so. (L. R. No. 1696, dated 22nd December 1884; *vide* G. R. No. 111, dated 7th January 1885.)

15. The system of making State loans to embarrassed estates under the management of Government is accepted in no other part of India. Bankers, both European and native, are elsewhere found ready to come forward and lend money at rates of interest ranging from 6 to 8 per cent. on the security of Government management. It is on all grounds expedient that the same system should be introduced into Sind and that a serious effort should be made to secure the necessary loans in the local market. It is obvious that at the best of times the money which Government can afford to spare for such an object must be very limited in amount and must, moreover, be taken from other and very pressing claims. When the local money market is once attracted to these schemes, the operations in aid of encumbered proprietors can obviously be carried out on a very much larger scale. The native bankers of Sind are already disposed to invest their capital in land, and it cannot be doubted that, if the matter is properly presented to them, money will be advanced in Sind, as elsewhere, on the security of Government management.

The real obstacle at present appears to lie in the low rate of interest charged on State loans. Nowhere else will the native capitalists, who give Government the principal help in the consolidation of debts in the estates of Wards of Court, lend money at so low a rate of interest as 5 per cent., and they will not in Sind seriously compete for investments under the Encumbered Estates Act, so long as they believe the Government is ready to pay off all debts at that rate. It is a matter of importance, if action under the Encumbered Estates Act is to be encouraged and developed, that this impression should be removed.

If the Collectors altogether fail in their endeavour to attract local aid, the Government of India will not refuse help in the matter; but they will be able to give it on a limited scale only, and for the reasons stated above they are of opinion that all such advances should bear interest at 8 per cent.

In accordance with the policy set forth above, the Government of India have retained Section 24 (*c*) in the revised Sind Encumbered Estates Act. But they are averse from giving formal legislative recognition to a practice which upon general grounds they consider to be objectionable in principle. They have, therefore, omitted the words "from Government" from Section 24 (*c*) and from all other sections in which they occur in the same connection. This will leave the question whether the necessary money should be procured from public or from private sources to be determined in each individual case; and no money can be lent by Government for the assistance of an encumbered estate under the Act without the previous sanction

of the Governor General in Council. If in any case it should be found necessary to apply for that sanction, it should be fully explained why it is proposed to set aside the principles which have been explained above. (G. I., R. & A., No. 3499 (*a*)—177-6, dated 12th September 1896, and 4138—177-9, dated 4th November 1896 ; *vide* G. Rs. Nos. 8037, dated 13th October 1896, and 9585, dated 30th November 1896.)

16. The Manager, Sind Encumbered Estates, is authorized to deposit the funds of the Encumbered Estates in the Sind treasuries to the credit of 'Personal Deposits' and to withdraw the same as required by him on his cheques, which may be debited to the corresponding head of accounts on the disbursing side of the treasury accounts. The manager will keep his own detailed accounts and the treasury officer's duties will be confined to a simple entry of receipts and payments. (G. R. No. 2791, dated 8th April 1897.)

17. The charges incidental to the Sind Encumbered Estates Act, 1896, should be debited to 3, Land Revenue.

The manager and his establishment should be treated as in foreign service of the third kind and the recoveries should be taken as a set-off against the expenditure. (G. I., R. & A., No. 1014—8-5, dated 6th May 1897 ; *vide* G. R. No. 3896, dated 25th idem.)

The cost of the appointment of manager, including contribution for leave allowances and pension, should be recovered from each estate proportionately to its income at the end of the year. A maximum limit of Rs. 1,100 a month should be fixed for the emoluments (salary and special allowance) to be drawn by the manager, so that the officer holding the appointment may not continue to hold it when he is too senior. (G. I., R. & A., No. 1436-58-7, dated 28th June 1897 ; *vide* G. Rs. Nos. 5178, dated 22nd July 1897, and 6857, dated 16th September 1897.)

18. The establishment of the office of the Manager, Sind Encumbered Estates, is placed on the same footing for the purposes of travelling allowance as the establishments mentioned in clause (*c*) of Article 1262 of the Civil Service Regulations. (G. R. No. 4538, dated 16th June 1897.)

19. There does not appear to be any means of compelling an applicant under Section 3 of the Act to fill in the statement mentioned in Section 6 (1) if he refuses to do so and wishes to withdraw his application.

The Act is intended to give relief to jághírdárs and zamindárs who are involved in debts. Looking to the whole spirit of the Act, it cannot be stated that on grounds of public policy an applicant who has applied for relief under the Act should be precluded from coming to an apparently amicable arrangement or settlement with his creditors.

Amicable settlements between insolvent debtors and their creditors are, as a rule, encouraged. In the Insolvency Court for the relief of debtors such amicable arrangement is allowed between an insolvent who has filed his petition and his creditors even after lengthy proceedings in Court. In the event of such an arrangement, a rule *nisi* is issued to the creditors to show cause why the petition should not be allowed to be withdrawn (11 and 12 Vict., C. 21, S. 40.)

This procedure allowed under the Insolvency Act in the Presidency towns goes to show that it can scarcely be argued to be against public policy to allow an indebted jághírdár to compound with his creditors after he has sought the protection of the Sind Encumbered Estates Act—an analogous law.

By Section 19 (1) of the latter Act, at any time before he has sanctioned a liquidation scheme under Section 18, the Commissioner *may* direct that the management of an estate shall be relinquished. Under Clause (2) (*b*) of the same section the owner of the property under management is then restored to possession.

This section gives discretionary powers to the Commissioner to relinquish the management. Although, therefore, there is no specific provision allowing withdrawals of applications by applicants under the Act, the Commissioner may, it appears, in the exercise of his discretion, allow applications for such withdrawal and order the enquiry under Section 4 and the *interim* order under Section 15 to be relinquished if he is satisfied about the settlement and if there is no opposition or objection on the part of the creditors. Such relinquishment would, it may be noted, be at an earlier stage of the proceedings than the relinquishment under Section 19 (1) of actual management ordered under Section 8.

The penalty under the Act for a person not complying with the provisions of Section 6 would be a dismissal of his application under Section 7 (*b*). The application being a voluntary act on the part of the applicant, he is liable to punishment only under Section 6 (2) of the Act if he makes a false statement. It would follow, therefore, that the refusal of the applicant to submit a statement under Section 6 would not render him liable to any punishment under Section 179 of the Indian Penal Code. (L. R. No. 735, dated 9th June 1897; *vide* G. R. No. 4696, dated 24th idem.)

EXAMINATIONS.

No 662
23/10/99

I.—Civil Servants.

1. The following are the rules for the examination of Junior Civil Servants:—

Introductory Rules.

1. Every gentleman appointed to be a member of the Civil Service of the Presidency of Bombay shall, immediatey on arrival at Bombay, report himself to the Chief Secretary to Government, or in his absence to the officer in charge of the Separate Department.

2. The salary of a Junior Civil Servant will be Rs. 400 per mensem from the date of arrival, increasing to Rs. 450 from the date of his passing the Departmental Examination, Lower Standard, and to Rs. 500 from the date of his passing the Departmental Examination, Higher Standard, and being invested with the full powers of a Magistrate.*

3. On a Junior Civil Servant reporting his arrival, orders will be issued placing him under the

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* *Resolution of the Government of India, No. 377, dated 20th January 1871.*

The Governor General in Council observes that the principle of granting increase of pay to Assistant Magistrates and Assistant Commissioners is not the same in different provinces. In some provinces the grant of higher allowances has hitherto depended on the investiture with increased magisterial powers as well as on passing by the lower and higher standards of examination, while in other on the latter alone. In order, however, to secure uniformity in this respect His Excellency in Council is pleased to prescribe, as a rule for future guidance, that officers on passing the lower or higher standard of examination shall, as a rule, be at once invested, respectively, with the powers of a Subordinate Magistrate of the First Class (Second Class Magistrate), or with full magisterial powers (powers of a First Class Magistrate), and that they shall accordingly be entitled to the higher rates of pay from the date of their passing the examination. But if, in the case of any officer subordinate to him, the Magistrate of a District shows, to the satisfaction of the Local Government, that investiture with higher powers ought to be deferred then the mere passing of the examination will not establish a title to higher pay, nor shall such higher pay be granted until the investiture with higher powers takes place.

Subsequent Resolution of the Government of India, No. 2990, dated 17th June 1871.

Powers of a Subordinate Magistrate of the First Class (Second Class Magistrate) are not to be conferred upon an officer until he has exercised the powers of a Subordinate Magistrate of the Second Class (Magistrate of the Third Class) for six months; and full magisterial powers are not to be conferred upon an officer until he has exercised the powers of a Subordinate Magistrate of the First Class (Magistrate of the Second Class) for the same period: provided that no officer shall be entitled to a higher rate of pay by reason of exercising higher powers, unless he has passed in all the subjects of examination by the First or Second (Lower or Higher) Standards as the case may be.

Government of India, Home Department, No. 38-1295, dated 6th September 1881 (G. R. No. 5456, dated 21st idem).

The Government of India have decided after very careful consideration to maintain in force the existing rule under which the grant of higher pay to Junior Civilians is made contingent not only on passing the Departmental Examinations, but also on investiture with higher magisterial powers.

Collector or other Chief Executive Officer of a District for the purpose of his qualifying himself in the languages and Departmental subjects of examination.

4. A Junior Civil Servant is required to pass examinations in Hindustáni and in one of the vernacular languages of the Presidency (Maráthi, Gujaráti, Kánarese or Sindhi) within fifteen months of his arrival. If he fails so to pass, a deduction of 10 per cent. will be made from his salary until he shall have passed the examination. For the standard of the examination in Hindustáni, *see Rule 26.*

Note 1.—Any native gentleman appointed in India on probation to the Civil Service must, if posted to a district of which the language is not his own vernacular, pass in the language of that district. (G. R. No. 1881, dated 21st March 1882.)

Note 2.—The Accountant General should see that in all cases in which Junior Civil Servants become liable to the 10 per cent. deduction rule for failing to pass the necessary examination in the vernacular, the rule is strictly enforced *at the time*. (G. R. No. 890, dated 5th February 1889.)

5. On passing either in Hindustáni or in a vernacular language, a Junior Civil Servant will ordinarily be gazetted as an Assistant Collector, and invested with the powers of a Magistrate of the Third Class.

6. It is optional with a Junior Civil Servant who may not have passed either in Hindustáni or in any vernacular language to present himself for the Departmental Examination, Lower Standard. In the event of his passing that examination, or the language part of it, he shall be considered as having passed in the vernacular language in which he has been examined at such examination.

7. A Civil Servant who has passed in one vernacular, and who at any time before he has completed ten years' residence in India joins an appointment in a district in the vernacular of which he has not passed, must pass in the latter language, according to the Higher Standard, within one year from the date of his joining such appointment. On his failing so to do, a deduction of 10 per cent. will be made from his salary until he passes or is removed to a district the vernacular of which is different.* •

8. Except for special reasons a Junior Civil Servant who has been appointed an Assistant Col-

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Government of India, Home Department, No. 288, dated 26th August 1892 (G. R. No. 7171, dated 9th September 1892).

The word "pay" as used in the rules of 1871 was not intended to be construed, as in the Civil Service Regulations, as meaning substantive pay only, but to include acting allowance.

District Magistrates should submit promptly their recommendations for the grant of magisterial powers to Junior Civil Servants under the Resolutions of the Government of India, Nos. 377, dated 20th January 1871, and 2990, dated 17th June 1871. (G. R., J. D., No. 2841, dated 7th April 1897).

* This rule is not applicable to a Junior Civil Servant serving in the City of Bombay. (G. R. No. 8584, dated 4th November 1895.)

lector will not receive permanent charge of a táluka, or be invested with the powers of a Magistrate of the Second Class, until he has passed the Departmental Examination, Lower Standard, or the part consisting of Judicial, Revenue and Miscellaneous subjects.

9. Except for special reasons, a Junior Civil Servant will not be appointed to be or act as Second Assistant Collector or Assistant Judge and Sessions Judge, or be invested with the powers of a First Class Magistrate, until he has passed the Departmental Examination, Higher Standard, or the part consisting of Judicial, Revenue and Miscellaneous subjects.

10. A Junior Civil Servant desirous of entering the Judicial branch of the Service may, on application made to the Secretary to the Central Committee for Departmental Examinations, one month before the date of the Departmental Examination, Higher Standard, be examined in an extra paper relating to judicial matters as hereinafter provided. The Junior Civil Servant will not, by passing in this paper, bind himself to enter the Judicial branch, but he will be freed from obligation to pass any other examination in judicial matters.

11. Substantive promotions to the grade of Second Assistant Collector as also officiating promotions to this as well as the grade of First Assistant Collector will, under ordinary circumstances, be regulated according to the date of passing the Higher Standard Departmental Examination. Passing the Departmental Examination, however, will not entitle to promotion any one whose conduct is not otherwise satisfactory. The names of officers holding the substantive appointments of First and Second Assistant Collectors will be printed in the Civil List in the order of their seniority in the service.*

12. A Junior Civil Servant will not be entitled to travelling allowance for attending the examination unless the Central Committee for Departmental Examinations, or the Sub-Committee for Vernacular Examinations of the Central Committee, as the case may be, shall certify that his proficiency was such as to entitle him to the allowance †.

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* Rule 11 will be strictly enforced in every case, and no departure from that ruling will be permitted for any cause whatsoever. Due notice should be given by the Collector under whom he is placed, to every young Civilian joining the service in this Presidency, that his prospects of promotion during the early portion of his career will materially depend upon the passing by him of the prescribed examinations with the least possible delay, and his particular attention should be invited to Rule 11 and to this order. (G. R. No. 4093, dated 6th August 1880.)

Rule 11 constitutes an exception to the ordinary principle of seniority in order to furnish officers with an additional motive for passing their examinations quickly. The principle should not be carried further than is distinctly stated in the rules. (G. R. No. 2309, dated 24th March 1897.)

† *Note.*—The practice of the Central Committee is to refuse certificates for travelling allowance to candidates who obtain less than a half of the minimum number of marks required to pass.

Departmental Examinations.

13. Half-yearly examinations of Junior Civilians and others who may be permitted to appear shall be held at Bombay or Poona, under the supervision of the Central Committee for Departmental Examination, on 1st April and 1st October, or such other dates as may be notified to the examinees by order of the President. Examinations in languages only are also held before the Sub-Committee for Vernacular Examinations of the Central Committee.

14. The Central Committee for Departmental Examinations will consist of the Chief Secretary to Government, or such other officer as may be nominated by Government as President, the Secretary or Under Secretary to Government in the Revenue Department, the Accountant General, his Deputy or Assistant, the Registrar of the High Court, and the Oriental Translator to Government, who shall also be Secretary, and such other members as Government may from time to time appoint. The Inspector-General of Registration and Stamps will be an *ex-officio* member of the Committee for the purpose of preparing questions relating to the Indian Registration and Stamp Acts and the rules framed thereunder.

15. (*a*) There shall be two standards of qualification—the Lower and Higher. The Lower Standard must be passed before a candidate can present himself for examination according to the Higher Standard.

(*b*) The examination in the case of both the Lower and Higher Standards, consists of two parts (I) Language and (II) Judicial, Revenue and Miscellaneous subjects. It is optional for a Junior Civil Servant to appear for both of these parts at the same time or separately for either.

(*c*) It will not be necessary for a native Junior Civil Servant to undergo the language part of the examinations by the Lower and Higher Standards.

LOWER STANDARD.

(*See Appendix A.*)

16. The principal object of the Lower Standard of examination shall be to test the candidate's proficiency in the vernacular language of the district. The further objects shall be to test his general acquaintance with the leading principles of Revenue Administration and Criminal Justice, and especially with so much of the Laws of Procedure as it is necessary for an officer to know in order to exercise properly the functions of an Assistant Collector and Subordinate Magistrate, and his power of dealing with conflicting arguments and evidence. With these objects the following scheme of examination is laid down :—

1. Papers and questions are to be proposed to the candidate for the purpose of ascertaining his knowledge of the language of the district.

2. Papers on Revenue and Judicial questions are to be answered without reference to any books, except the text (without commentary) of Regulations and Acts and the printed rules for administration of revenue survey settlements, and such other books of reference as may be prescribed by the Central Committee. These questions will be so framed as not to involve difficult and rare points, or recollection of forms, dates, &c., but must be sufficient to test the candidate's general knowledge of the subject of examination. The Indian Evidence Act will also be a subject of examination, and questions in it are to be answered without books. (G. N. dated 31st May 1872; *vide* G. R. No. 2618 of the same date.)

Note.—The Notification of 31st May 1872, prescribing a separate paper without books on the Indian Evidence Act, is applicable both to the Ordinary and Special Lower Standard Departmental Examinations. (G. R. No. 2755, dated 6th April 1883.)

3. (*a*) The candidate is to be required to answer ordinary questions showing a general acquaintance with the principles and system of Huzúr, Táluka and Village Accounts as given in Hope's* Manual, and of Treasury and Local Fund Accounts as given in the Civil Account Code, Vol. I, and the Pay and Acting Allowance Code.

(*b*) The candidate shall produce a certificate from the Collector of the district that he has duly attended to and satisfactorily discharged the duties of Treasury Officer for a period of not less than six weeks in the twelve months immediately preceding the examination. No candidate shall be declared as passed without such certificate (G. Ns. Nos. 2036 dated 28th March 1882, and 1128 dated 6th February 1884).

Note.—If a Junior Civilian, who has been in charge of a District Treasury for six weeks in January and February, or February and March, passes the Lower Standard Departmental Examination in April, he can present himself for examination in the following October, and pass it without being required to hold charge of a District Treasury for another period of six weeks in the interval between the two examinations. (G. R. No. 424, dated 16th January 1885.)

4. With a view of testing the power of the candidate in dealing with conflicting arguments and evidence, a decided case which he has never before seen (from a Magistrate's record) of the nature of those which come before Assistants in charge of districts, is to be placed before him, the final proceeding in the case being withdrawn, as also any English translations or summary. The papers may then be read over to the candidate by a native officer, and the explanation of any difficult word or phrase asked for and given in the vernacular, the circumstance being on each occasion noted. The candidate may make notes as the record is read over. Finally, he must

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*By Government Resolution No. 3960, dated 30th June 1887, Mr. Symonds' revised edition of Táluka and Huzúr Accounts has been substituted for Hope's Manual.

write out in English a summary of the evidence of each witness and his decision upon the question or questions at issue, with a sufficient statement of the grounds on which it is based. (G. R. No. 2075, dated 31st March 1877.)

HIGHER STANDARD.

(*See Appendix A.*)

17. The Higher Standard of Examination shall be similar in its nature to the Lower, but more difficult in degree. Its object shall be to test the fitness of the candidate to transact creditably the ordinary business of a Collector and Magistrate, and the examination will be conducted in conformity with the following scheme:—

1. The candidate must show an unimpaired acquaintance with the vernacular of the district, the papers selected as tests being of a more difficult description than those in the former examination. The candidate's power of explaining himself clearly in the vernacular is to be tested by an argument of some difficulty such as may occur in official business.

2. Questions of law and practice are to be selected from the whole range of the duties of a Collector and Magistrate, and arranged in two classes: one comprehending important and leading points, in answering which no books shall be allowed, and the other comprehending less general and less common points, in answering which the assistance of books shall be allowed. (No guides, digests, or summaries, however, are to be used, but only the original laws, circular orders, and interpretations, with rules relative to different departments printed by authority). The object of this class of questions is to test the candidate's capacity readily to find the law or practice in the less common points which arise in business. It is not to evoke subtlety or ingenuity, but merely to ascertain whether or not the acquisitions of the person examined are such as to enable him fitly to perform the important functions of a Magistrate and Collector.

3. A magisterial case is to be selected from those possessing enough of complexity to test the candidate's ability to master all ordinary difficulties, and especially to test his power of minute attention to and just appreciation of evidence, and his knowledge of one or two nice points connected with native custom. The course laid down in sub-para. 4 of the preceding paragraph should be adopted. (G. R. No. 2075, dated 31st March 1877.)

4. The candidate is to be examined relative to revenue administration, and especially the principles of a survey settlement, and the rules laid down for the guidance of Revenue officers in connection therewith. A special paper on

subjects connected with survey and settlement will be set by the Survey Commissioner and will include questions on the subjects dealt with in (1) the Survey and Settlement Manual, (2) the Land Revenue Code, Chapters VIII, IX and X, and the rules under Section 214 of the Code relating to the provisions of those chapters together with all recent orders and rulings* of Government on the subject of survey and settlement; (3) the latest Red Letter Chapter in the General Administration Report of the Bombay Presidency on the character of Land Tenures and system of Survey and Settlements, and (4) Government Resolution No. 2619 of 16th March 1884. (G. Rs. Nos. 4958, dated 27th August 1881, and 159, dated 8th January 1894.)

* *Vide* H. V. Sathe's annotated edition of the Land Revenue Code.

Note.—Government do not consider it necessary at present that candidates for the Higher Standard Examination other than Junior Civilians should be examined in the paper on Revenue Survey and Settlement matters. (G. R. No. 1530, dated 7th March 1882.)

5. The candidate is to be tested in the Penal Code, the Criminal Procedure Code, the Police Acts, the Summary Settlement Acts, the District Municipal Act, the Salt Act, the Watan Act, the Opium Act, the Forest Act, the A'bkári Act, the Bombay Revenue Code, the Local Boards Act, and other Acts and Regulations commonly referred to in practice. (G. Rs. Nos. 2313, dated 25th March 1886, and 7841 dated 16th November 1887.)

6. (*a*) The candidate is to be required to show his knowledge of the accounts of a Collectorate, whether Village, Táluka, or Huzúr, and to have a satisfactory general acquaintance with the subjects treated of in Mr. Hope's† Manual, and with the whole system of Treasury and Local Fund Accounts prevailing in the Presidency as given in the Civil Accounts Code Vol. I, and the Pay and Acting Allowance Code.

(*b*) The candidate shall produce a certificate from the Collector of the district that he has duly attended to and satisfactorily discharged the duties of Treasury Officer for a period of not less than six weeks in the twelve months immediately preceding the examination. No candidate shall be declared as passed without such certificate. (G. Ns. Nos. 2036, dated 28th March 1882, and 1128, dated 6th February 1884.)

(*Note.*—*Vide* note below clause 3, rule 36, *supra*.)

7. He will also be examined in Mr. Field's Law of Evidence in British India, the examination being limited to the part which deals with general principles only, and the Indian Evidence Act and the Indian Contract Act (Nos. I and IX of

† By Government Resolution No. 3960, dated 30th June 1887, Mr. Symonds' revised edition of Táluká and Huzúr Accounts has been substituted for Hope's Manual.

1872), the questions in which should be answered without books. (G. N. dated 31st May 1872; *vide* G. R. No. 2618 of the same date, and G. N. No. 7251, dated 12th October 1886.)

8. The candidate will be examined in a paper in subjects connected with the Indian Registration Act, the Indian Stamp Act and the rules laid down thereunder. (G. N. No. 7841, dated 16th November 1887.)

18. The extra paper on judicial matters described in Rule 10 will consist of questions on the following subjects :—

The Civil Procedure Code,
The Law of Limitations,
The Law of Contracts,
The Law of Evidence,
The Specific Relief Act,
The Indian Succession Act,
The Principles of Hindu Law,
and
The leading cases decided by the Bombay High Court.

(G. R. No. 2313, dated 25th March 1886.)

The marks obtained in answering this extra paper will be reckoned towards the Junior Civil Servants' passing the Departmental Examination, Higher Standard, provided the minimum in all other branches of examination has been duly attained.

Local Committees.

19. On application made one month previous to the ordinary date of an examination, Local Committees will be appointed for the examination of candidates stationed in the Province of Sind, the Persian Gulf, or Arabia.

20. The Central Committee for Departmental Examination will fix the half-yearly examination days. If local examinations are sanctioned, they must be held on the same days. The Central Committee shall prepare beforehand for each examination sets of questions, a sufficient number of copies of each of which sets shall be forwarded to each Local Committee in a sealed packet, not to be opened until the moment of examination. The Central Committee shall, subject to the general control of Government, frame rules for the general guidance of the Local Committees, in order to ensure a fair and uniform method of fixing the degree of attainment upon each point of examination.

21. *The Local Examination Committee will consist of the Chief Judicial and Chief Revenue Officer of the District, the senior of whom shall be

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*As regards Sind, *vide* Government Resolution No. 3992, dated 9th July 1881 *post*.

President, and the other members shall consist of one experienced native officer from the Judicial, another from the Revenue branch of the service and a third from the Educational Department. When the Chief Judicial or Chief Revenue Officer is unable to attend, an experienced Assistant or Subordinate will perform his duties as member of the Committee.

22. The Local Examination Committee will conduct the examinations and, after due deliberation in respect of each candidate examined, will record the result so far as regards the points on which their report is due, and the President shall transmit the record to the Central Examination Committee. The President will be responsible for the fairness, impartiality, and proper strictness of the examination. The written answers of the candidates and the other papers written by them either in the vernacular or in English shall be forwarded with the record.

Results of Examinations.

23. The Central Examination Committee shall report to Government the names of such candidates as have successfully passed.

Hindusta'ni and Vernacular Examinations.

24. Examinations in languages only are also held before a Sub-Committee for Vernacular Examinations of the Central Committee for Departmental Examinations, consisting of the Secretary or Under Secretary to Government in the Revenue Department, the Oriental Translator and two other members appointed by Government, the Oriental Translator being the Secretary.

25. The Sub-Committee will meet at Bombay or Poona quarterly on such date as they may appoint for examination of Junior Civil Servants and others who are desirous of being examined in any of the vernaculars of the Presidency. Civil Servants and others desirous of being examined in Sindhi are examined in that language by a Branch Committee at Karáchi.

26. The standards by which the Sub-Committee for Vernacular Examinations examines are the Lower and Higher Standards, except in the case of Hindustáni, the examination in which shall contain the following exercises :—

(1) Translation *vivâ voce* into English from a fairly written Hindustáni letter or petition—60.

(2) Written translation into Hindustáni from an ordinary English narrative or from a letter or petition or a Government order or regulation—120.

(3) Conversation on ordinary subjects including commercial, revenue and magisterial matters, to test the candidate's capability of understanding and making himself understood in a conversation on such subjects—35.

27. An officer of any Department who has passed before the Civil and Military Examination Committee an examination in any language shall not be required under these rules to undergo any examination in the same language by an equivalent or inferior standard before the Central Committee for Departmental Examinations or the Sub-Committee for Vernacular Examinations. For the purpose of this rule the Higher Standard Examination in Arabic, Maráthi, Gujaráti or Kánarese conducted by the Civil and Military Examination Committee, shall be deemed to be of equal difficulty with the Higher Standard Test in the same language to be passed before the Departmental or Vernacular Examination Committee.

APPENDIX A—JUNIOR CIVILIANS.

LOWER STANDARD.

Part I.

	Marks.
1. Translation from English ... 165 2. Translation into English ... 85	250
3. Reading and explaining Vernacular papers, and Conversation (in cases of local examination according to report of Local Committee) ...	150

Part II.

1. (*a*) Judicial Questions, to be answered with books ... ... (*b*) Judicial Questions including questions on the Indian Evidence Act, to be answered without books...	150
2. Magisterial Case	50
3. Revenue Questions	150
4. (*a*) Paper of Questions on Treasury and Local Fund Accounts	75
(*b*) *Viva voce* in Revenue Accounts ...	75
Aggregate Marks ...	900

HIGHER STANDARD.

Part I.

1. Translation from English ... 125 2. Translation into English ... 75	200
3. Reading and explaining Native papers, and Conversation (in cases of local examination according to report of Local Committee)	150

Part II.

1. Judicial Questions to be answered with books	75
2. Judicial Questions, including questions on the Indian Evidence Act and the Indian Contract Act, to be answered without books	75
3. Mr. Field's Law of Evidence in British India	100

	Marks.
4. Questions on subjects connected with the Indian Registration Act, the Stamp Act and the rules laid down thereunder	100
5. Magisterial Case	50
6. Revenue Questions with books	150
7. Do. without books ...	150
8. Paper on Revenue Survey and Settlement matters	100
9. Paper on Treasury and Local Fund Accounts	100
10. *Vivâ voce* in Revenue Accounts ...	75
Aggregate Marks ...	1,325
Add Extra Judicial Paper ...	150
	1,475

Note 1.—A candidate who obtains at least one-half of the marks under each head and at least 60 per cent. of the aggregate in the subjects offered in either part of the examination will be considered to have passed in that part, unless the Central Committee for special reasons reported see fit to rule otherwise.

Note 2.—The following are the heads under which the subjects of examination are arranged, each head being considered as one subject when calculating the minimum marks entitling a candidate to pass :—

In the Lower Standard.

Part I.

I.—Languages, Nos. 1, 2 and 3.

Part II.

II.—Judicial, Nos. 1 and 2.
III.—Revenue, No. 3.
IV.—Accounts, No. 4.

In the Higher Standard.

Part I.

I.—Languages, Nos. 1, 2 and 3.

Part II.

II.—Judicial, Nos. 1, 2, 3, 4 and 5.
III.—Revenue, Nos. 6 and 7.
IV.—Revenue and Survey Settlement, No. 8.
V.—Accounts, Nos. 9 and 10.

Note 3.—Any candidate for the Lower or the Higher Standard Departmental Examination who obtains the minimum qualifying marks out of the aggregate total for all the subjects, and passes in all the subjects but one, will not be obliged to present himself again for examination except in the subject in which he may have failed, but he will not be declared to have fully passed until he has successfully undergone examination in every subject : provided that the candidate must, in order to have the benefit of this rule, come up and pass at the next ensuing examination in the one subject in which he may have failed.

Note 4.—The papers for translation from English and into English will be of a general literary character, while the *vivâ voce* examination will be devoted to subjects more immediately connected with the Department in which the candidate is serving.

(G. N., G. D., dated 12th July 1871, and G. R. No. 405, dated 18th January 1898.)

2. Kánarese must be held to be the vernacular of the Belgaum Collectorate for the purposes of the examination rules of Junior Civilians. (G. R. No. 1120, dated 15th March 1862.)

3. When a Junior Civilian is transferred to a district in the vernacular language of which he has not passed, he should be distinctly informed of his obligation to pass, and the Account Department should see that the penalties under the rules for the examination of Junior Civil Servants are duly enforced in cases of default. (G. R. No. 30, dated 3rd January 1866.)

4. The dates on which Civil Servants pass the Departmental Examinations should be notified in the *Government Gazette*. (G. R. No. 1388, dated 8th April 1867.)

5. It should be a rule that all officers, whether Uncovenanted or Military, who are called on to perform the duties usually performed by Covenanted Civilians should be required to pass the same Departmental Examinations. (G. I., H. D., No. 2584, dated 7th June 1869; *vide* G. R., G. D., No. 1573, dated 2nd July 1869.)

6. Three spare copies of the examination papers of the Junior Civil Servants should be sent to each Collector for the use of any young Civil Servant who may be sent to study. (G. R. No. 4171, dated 28th September 1869.)

7. The printing of 200 copies of the examination papers set to Junior Civil Servants is sanctioned. No copies should be furnished gratis; a price should be fixed, and all copies applied for should be sold at that price. (G. R. No. 1615, dated 29th March 1880.)

8. Revenue Commissioners are authorized to dispose of applications from Junior Civilians and others for permission to appear for examination before the Central Committee for Vernacular Examination. (G. R. No. 4926, dated 13th October 1870.)

9. It is not considered advisable to lay down any precise rule regarding the time that should be spent in study before a Junior Civilian is permitted to appear before the Committee for Departmental Examination, especially as the requirements of the public service frequently render it necessary that men should qualify with as little delay as possible. (G. R. No. 5553, dated 20th October 1874.)

The following extract from a letter No. 2483, dated 9th October 1874, from the Collector of Surat, Mr. (now Sir) T. C. Hope, were circulated to all Collectors:—

"2. The system which I have followed with the numerous Junior Civilians who have in the past seven years been placed under me on their first arrival from Europe has been as follows.

"3. Hindustáni is first attended to, and they usually pass in it by the end of January or beginning of February. They then at once join my camp in the districts and remain with me till June. They go through with me in that time the jamábandi of one táluka, and about five tálukas' treasury examinations; they inspect boundary marks test

rayats' receipt-books, and visit Local Fund works in progress. They also see the whole of the English correspondence of my office, and correct and initial drafts and fair copies before I get them, assist me with very minor routine vernacular papers, examine Subordinate Magistrates' returns and read the records generally. During the monsoon they try as many third class criminal cases as they are able, and have charge of the treasury for a month or six weeks.

"4. Having thus seen some actual work in all branches, they pass their First Departmental Examination in October, not unfrequently with credit. I always discourage their attempting the First Departmental in April, because I consider it simply impossible for any one to acquire by that time the practical knowledge which that standard requires."

(G. M. No. 5627, dated 23rd October 1874.)

10. For the purpose of qualifying in vernacular languages, a Junior Civilian may be deemed to be one who has not completed ten years' service. (G. R. No. 7611, dated 27th December 1876.)

11. Government are opposed to the grant of any special exemption from the general rule requiring candidates to pass before the Central Committee, and in future Local Committees for examinations in vernacular languages will not be granted. (G. R. No. 6695, dated 18th December 1880, and G. R. No. 885, dated 11th February 1881.)

12. The rules for the examination of Junior Civil Servants should not be substantially modified without reference to the Secretary of State. (S. of S. No. 7, Public, dated 14th April 1881.)

13. The following amended rules for the encouragement of the study of Oriental languages among the Junior Members of the Bombay Civil Service have been substituted for those notified under date the 17th July 1868 and are published for general information, together with extracts* from the Civil Leave Code relating to these examinations, and with a detailed list of authorized text books. These rules will come into force from 1st July 1882.

1. The rules published in the *Bombay Government Gazette* of the 23rd July 1868, Part I, pages 632-3, are cancelled.

2. The standards of examinations and donations to be given to successful candidates will be as follows:—

			Rs.	
Higher Standard.	Arabic	...	800	
	Sanskrit	...	800	
	Persian	...	500	
High Proficiency.	Maráthi	...	1,000	With certificate from the presiding Examiners.
	Gujaráti	...	1,000	
	Kánarese	...	1,000	
	Sindhi	...	1,000	
	Persian	...	2,000	
	Arabic	...	2,000	
	Sanskrit	...	2,000	

* Arts. 313 to 315 of the Civil Service Regulations have been substituted for the extracts from the Civil Leave Code originally given with this Notification.

		Rs.	
Degree of Honour.	Maráthi	2,000	With diploma from the Government of India.
	Gujaráti	2,000	
	Kánarese	2,000	
	Persian	4,000	
	Arabic	5,000	
	Sanskrit	5,000	

3. No Civil Servant will be permitted to present himself for examination by two standards of the *same* language simultaneously, but he may have the option of competing for the higher examinations in any languages without first undergoing any inferior test.

4. No Civil Servant will ordinarily be permitted to appear more than twice as a candidate at any examination, but, if a special recommendation be made by the Examiners, a candidate will be allowed to appear a third time.

5. No Civil Servant will be allowed any pecuniary reward for passing the Higher Standard, High Proficiency or Honour Examinations, after the expiration of five, ten and fifteen years, respectively, counted from the date of his first arrival in India. No exception to this rule will be made on account of leave or any other cause. Civil Servants may be permitted to attend the examinations after the expiration of the periods specified in this rule, but no reward will be granted to them if they pass; and their leave must be limited to such time as may be necessary to enable them to attend the examination, and no extra expense must, under any circumstances, be caused to the State. In such cases it will be within the competence of the Local Government to refuse applications for permission to attend any particular examination when compliance with such applications would involve inconvenience to the public service. Civil Servants who pass the examinations after the expirations of the periods specified will be entitled, however, to the usual certificate or diploma declaring the successful result of the examination.

6. Civil Servants who may have passed examinations under any former rule shall not be eligible to compete at corresponding examinations in the same language or languages under the rules now passed.

7. Civil Servants who are natives of India and who have entered the service either by competition in England or by appointment under the Statutory Rules, shall not receive the donations prescribed in these rules when such native Civilians pass in the vernacular of the district in which they were born or educated, Government determining in each case what languages come within this definition. Probationers under the Statutory Rules shall not be allowed to appear at these examinations.

8. The Civil and Military Examination Committee will meet on the first Monday in every

month to conduct examinations according to the Lower, Higher, High Proficiency and Degree of Honour Standards. The Committee will also hold special meetings whenever directed to do so, either by His Excellency the Governor or the Commander-in-Chief, for the examination of any candidate or candidates who cannot attend during the regular monthly meetings.* Should the 1st of January fall on a Monday, the examination will be held on the following day. Civil Servants desirous of attending examinations must apply to Government for leave to do so at least three months before the date of examination. When a Covenanted Civilian who has been granted permission to appear for examination does not propose to avail himself of such permission he should intimate his change of mind to the Civil and Military Examination Committee at least ten days before the date of examination, so as to save unnecessary trouble to the Examiners.

9. The following are the subjects of examination for the Higher Standard :—

(*a*) Construing *viva voce*, with readiness and accuracy, from the undermentioned books :—

Sanskrit	...	Riju Pátha.
Persian	...	Ikd-i-Gul. Ikd-i-Manzám.
Arabic	...	Nafhat-u'l-Yaman, 1st Part. Selections from the Alif Laila.

(*b*) Translating accurately, and with correctness of idiom and grammar, not less than half an ordinary octavo page of plain English into the language in which the examination is held.

(*c*) Reading fairly and translating readily and correctly manuscripts in the above languages. These manuscripts may be selected from the proceedings of a case in Court, from reports or petitions addressed to Civil or Military authorities, from letters passing between natives of India in the ordinary course of business or from private correspondence. They should not be written with the clearness of a printed book nor yet in a very cramped or crabbed hand, but in such a manner as fairly and honestly to represent the written characters generally employed.

Viva voce translation into the Oriental language of a paper of English sentences, and conversing with the Examiners, or in their presence with persons selected by them, with fluency and with such correctness of pronunciation, grammar, and idiom as to be at once intelligible. In Sanskrit the colloquial portions must be omitted.

(G. N., G. D., No. 1574, dated 29th April 1885, and G. M., G. D., No. 3501, dated 12th September 1885.)

10. The following are the subjects for the High Proficiency Examination :—

(*a*) Construing *viva voce*, with readiness and accuracy, from the undermentioned books :—

* *Vide* G. N., G. D., No. 2925, dated 18th August 1891.

Maráthi	...	Navnít. Venisanhár Nátak.
Gujaráti	...	Kávya Dohan. Jaya Kumári Vijaya Nátak.
Kánarese	...	Katha Manjari. Ráwan Digvijaya. Chun Basweshavar Purán (7 to 10 cantos).
Sindhi	...	Nandirám's History of Sind by Mahomed Massoon. Translation of Hunter's History of India. Shah-jo-Rasola by Sayad Abdul Latif Shah.

(*Vide* G. R., G. D., No. 2629, dated 2nd September 1887.)

Arabic	...	Nafhat-u'l-Yaman. Selections from Alif Laila.
Persian	...	Gulistán. Bostán. Mirza Hairat's translation of Malcom's History of Persia, Vol. II.
Sanskrit	...	Hitopadesh. 1st nine cantos of Raghuvansa (expurgated edition by Ishwar Chandra Vidyáságar.)

(*b*) Translating into English, with accuracy, a passage in narrative style not taken from the text books and selected in all languages, except Sanskrit, from the current literature of the day.

(*c*) Translating with accuracy of idiom and neatness of expression into the language in which the examination is held, an English paper in narrative style.

(*d*) Translating in like manner a paper of English sentences.

(*e*) Conversation in the languages (except in Sanskrit).

(*f*) Reading and translating at sight manuscript in the language.

(*g*) Dictation in the language of a translation made at sight from a paper in English placed before the candidate.

(*h*) A paper of grammatical questions.

11. The following are the subjects for the Honour Examination :—

(*a*) Construing *viva voce*, with readiness and accuracy, from the undermentioned books :—

Maráthi	...	Kekáwali, Bhárat } by Moropant. Sitáswayamwar by Wáman Pandit. Dásbodh.
Gujaráti	...	Compilation of Dayárám's Poems. Narma Kavita. Sakuntala Nátak by Dalpatrám Pránjiwan.
Kánarese	...	Jaymini Bhárat. Rán áyan.

Persian ...	Akhaláḳ-i-Jaláli. Inshá-i-Abúl Fazl. Sháh Náunah, one volume, or about one-fourth of the whole. Diwán of Háfiz.
Arabic ..	Hamásah, 1st two books, pages 1—109, Calcutta Edition. Timur Náunah. Makamát of Hariri, 1st half. Saba Muallakát.
Sanskrit ...	1st and 2nd Adhyáyas of the 1st Ashtaka of the Rigveda Sanhita. Cantos I to VI and XI to XVIII, inclusive, of the expurgated edition of the Kirátárjuniya of Ishwar Chandra Vidyáságar. Sakuntala Natak.

(*b*) A written examination in the books, the paper set to include questions in grammar and prosody.

(*c*) Translating into English with accuracy two passages, one in prose and the other in poetry, selected from some difficult work not being a text book. The passage in prose will, in all languages except Sanskrit, be selected from the current literature of the day.

(*d*) Translating a difficult passage from English with accuracy, elegance and neatness of expression, and perfect correctness of grammar and spelling.

(*e*) Conversing with accuracy and fluency (except in Sanskrit).

(*f*) Reading and translating at sight a manuscript in the language.

(*g*) Dictation in the language of a translation made at sight from a paper in English placed before the candidate.

12. The Honour Examination will be of a searching nature, and the exercises, both oral and written, must be performed with such excellence as distinctly to establish a claim to eminent proficiency.

13. Successful candidates for the Degree of Honour shall be arranged in two divisions according to the number of marks obtained. For the first division 80 per cent. of the marks must be obtained in all subjects and not less than 60 per cent. in any one paper; for the second division 60 per cent. must be obtained in all subjects and not less than 45 per cent. in each paper. The reward and diploma will be granted only to those passing in the first division and their names only will be published in the *Gazette of India*. Those passing in the second division will be deemed to have passed for the purposes of leave and travelling allowance rules, but they will not be allowed the benefit of those rules on a second occasion should they elect to compete again for the reward of a Degree of Honour.

Detailed List of authorized Text Books.

Maráthi ...	Navnit. Venisunhár Nátak. Kekáwali } by Moropant. Bhárat } Sitáswayamwar by Wáman Pandit. Dásbodh.
Gujaráti ...	Kávya Dohan. Jaya Kumári Vijaya Nátak. Compilation of Dayárám's Poems. Narma Kavita. Sakuntala Nátak by Dalpatrám Pránjiwan.
Kánarese ...	Katha Manjari. Ráwan Digwijaya. Chan Basweshwar Purán. Jaymini Bhárat. Rámáyan.
Sindhi ...	Nandirám's History of Sind by Mahomed Massoom. Translation of Hunter's History of India. Shah-jo-Risal by Sayad Abdul Latif Sháh.

(*Vide* G. R., G. D., No. 2629, dated 2nd September 1887.)

Persian ...	Ikd-i-Gul. Ikd-i-Manzúm. Gulistán. Bostán. Mirza Hairat's translation of Malcolm's History of Persia, Vol. II. Akhalák-i-Jaláli. Inshá-i-Abúl Fazl. Sháh Námah, one volume, or about one-fourth of the whole. Diwán of Háfiz.
Arabic ...	Nafhat-úl-Yaman. Selections from the Alif Laila. Hamásah, 1st two books, pages 1—109, Calcutta Edition. Timur Námah. Makamát of Hariri, 1st half. Saba Muallakát.
Sanskrit ...	Riju Pátha. Hitopadesh. 1st nine cantos of Raghuwansa, expurgated edition by Ishwar Chandra Vidyáságar. 1st and 2nd Adhyáyas of the 1st Ashtaka of Rigveda Sanhita. Cantos I to VI and XI to XVIII, inclusive, of the expurgated edition of the Kirátárjuniya of Vidyáságar. Sakuntala Nátak.

EXTRACTS FROM THE CIVIL SERVICE REGULATIONS.

Examination Leave.

The following extracts from the Civil Service Regulations are given for purposes of easy reference :—

Art. 313.—Examination leave may be affixed or prefixed to privilege leave provided that privi-

lege leave prefixed to the three months' examination leave under clause (*d*) of Article 314 must be spent in, or in the journey to, one of the appropriate countries mentioned in that clause, and that privilege leave may not be granted in continuation of the month's leave after examination admissible under Article 314, clause (*b*). Except as herein provided, no kind of leave, except furlough on medical certificate, may be granted in continuation of examination leave.

Art. 314:

(*a*) In cases not specially provided in clauses (*b*), (*c*) and (*d*) of this article, permission to appear at optional examination in any of the Oriental languages prescribed by Government carries with it the grant of joining time (excluding the time allowed for preparation) to and from the place of examination, besides leave for the day or days of examination.

(*b*) A candidate for a reward by the Higher Standard in Arabic or for High Proficiency in Arabic or Persian, may be allowed leave for one month, and, if he passes, for another month after it.

(*c*) The whole period, or two months' leave authorized by clause (*b*), may be prefixed to the examination if the candidate undertakes to spend it in study under professional tuition at a Presidency town.

(*d*) An officer who is a candidate for the Degree of Honour in Arabic or Persian may be allowed, instead of the leave for two months provided in clause (*c*), leave for three months to Persia for Persian; and to Arabia, Mesopotamia, Egypt or Syria for Arabic.

Art. 315.—An officer on leave under the preceding article has a lien on his appointment, substantive or officiating, and is entitled to leave allowances as if he were on privilege leave, for an aggregate maximum period of twelve months.

(G. N., G. D., No. 1032, dated 21st March 1882.)

14. A Civilian who receives the reward for High Proficiency in any vernacular language will be considered to be exempt from passing any other obligatory examination in that language. (G. R., G. D., No. 1624, dated 29th August 1868.)

15. The candidate for examination in Oriental languages must be able to read whatever is given to him. The handwriting given to be deciphered will not necessarily be bad.

A candidate who has passed for High Proficiency may go up for Honours.

The Committee has power to recommend that a certificate of High Proficiency be given to an unsuccessful candidate for Honours if he comes up to that standard, and provided the period of service required for High Proficiency be not exceeded.

(G.R. G. D, No. 1890, dated 13th October 1868.)

16. The donations prescribed in the rules for the encouragement of the study of Oriental languages amongst the Junior Members of the Bombay Civil Service are not assignable to a Civilian for passing in the vernacular language of the district in which he was born or educated. The Local Government will determine in each case what languages come within the above definition. In the above ruling, natives in the usual acceptation of the term are alone referred to. Doubtful cases as they arise may be referred to the Government of India for orders. (G. I., H. D., Nos. 5501, dated 14th December 1871, 1658, dated 6th April 1872, and 1814, dated 8th November 1881; *vide* G. Ns., G. D., dated 3rd January 1872 and 13th April 1872, and G. R., G. D., No. 3929, dated 21st November 1881.)

17. The particulars to be stated in the inscriptions on medals awarded to candidates for passing the degree of honour examinations in the vernacular languages should be—

(1) the name and official rank of the officer passing the examination,

(2) the language in which the examination is passed, and

(3) the date on which it is passed.

If information on all the points specified is invariably given in the reports of the results of these examinations, the necessary communication will be made to the Mint Master from the Financial Department of the Secretariat, from which orders about the supply of medals are issued. (G. R., F. D., No. 420, dated 7th February 1885.)

18. Young Civilians studying languages cannot be granted leave to reside in Bombay without the special orders of Government. (G. R., F. D., No. 1256, dated 4th April 1891.)

19. The following Regulations under which a limited number of members of the Covenanted Civil Service will be permitted to present themselves for examination in the Russian language while on furlough are, with the approval of Her Majesty's Secretary of State for India, published for information:—

1. The Civil Service Commissioners will hold examinations in London twice a year, commencing on the first Tuesday in April and the third Tuesday in October, for the purpose of examining officers in Russian.

2. Officers who obtain ·5 of the total marks will be noted in their record of service as 'Passed' in Russian, and those who obtain ·8 will be noted as qualified to be interpreters in Russian.

3. The maximum marks allotted at this examination will be 800, divided as follows:—

Dictation	50
Translation from Russian into English.	100
Do. do. English into Russian.	200

	Marks.	
Writing an essay or letter and copying manuscript	150	800
Oral examination, conversation, including reading manuscript at sight and translation in writing from Russian into English and from English into Russian from *ex-tempore* reading ...	300	

4. Applications for permission to appear at these examinations must be made to the Government of India, in the Home Department—(*a*) in the case of an officer directly under the Government of India, through the Department in which he is serving; and (*b*) by an officer under a Local Government or Administration, through the Local Government or Administration to which he is subordinate. Applications must not be made to the India Office in London.

5. Such permission will be granted to a limited number of officers only, and to no one who has not to his credit a sufficient amount of furlough to enable him to complete the full course of study and appear for the final examination within its limit. The whole time so passed will be treated as part of the furlough taken, and the officer will be entitled to furlough pay during it. The Government of India reserves to itself full discretion to grant or withhold permission in any case.

6. Any officer who proves his possession of sufficient elementary knowledge of Russian by scoring not less than 200 marks (·25 of the total) at one of the examinations held by the Civil Service Commissioners for the purpose of examining officers in foreign languages, or passes one of the preliminary examinations in Russian held in India, will be permitted to proceed from England to Russia for a further course of study of the Russian language.

7. On starting for Russia he may be granted an advance of pay not exceeding 35 days' furlough pay and also not exceeding £ 100. Such advance will only be granted to an officer who draws his furlough pay from the India Office and will be recovered in instalments spread over eight months after his arrival in Russia.

8. Shortly after his arrival in Russia he shall report to the India Office his address and the date of his entering Russia. Any subsequent change of his address shall likewise be reported.

9. The period to be spent in Russia shall not be less than eight months. As special value is attached to a lengthened stay in Russia, he shall not present himself for final examination till one year after passing the elementary test either in England or India, and shall not be permitted to attend any intermediate examination held by the Civil Service Commissioners.

10. Two months before his final examination, he shall notify to the India Office the address in England to which his order for examination

should be sent by the Civil Service Commissioners.

11. He shall return to England a full week before his final examination, and shall report to the India Office in writing his arrival and the date of his quitting Russia.

12. If he succeeds at the final examination in qualifying to be an Interpreter in the Russian language, he shall receive a gratuity of £200 and a further consolidated sum of £32 or £42 in repayment of his travelling expenses to and from St. Petersburg or Moscow, as the case may be. The gratuity of £200 shall be paid only in cases where there has been the full term of residence in Russia for the purposes of study. No grant on account of travelling expenses shall be made to an officer who fails to qualify to be an Interpreter, but he may earn the gratuity and the consolidated sum for travelling expenses if he succeeds at any subsequent examination in qualifying to be an Interpreter.

13. Whether successful or not at the final examination, he shall rejoin in India within two months from the date on which it began, unless his leave or furlough extends beyond that period. If, however, his leave has been granted under medical certificate it will be necessary for him as usual to obtain a certificate that he is in a fit state of health to return to his duty.

14. An officer shall be entitled to count as Indian duty for promotion and pension, but not as service for furlough, the period of eight months spent in Russia. (G. I., H. D., Ns. Nos. 2429, dated 19th December 1889, and 8, dated 5th February 1891; *vide* G. Rs. Nos. 157, dated 9th January 1890, and 1454, dated 23rd February 1891.)

20. In the Military Department each candidate permitted to proceed to Russia for the study of the Russian language is required to furnish a certificate from his Commanding Officer or from the Head of the Department in which he is serving, that "his character as a soldier and the nature of his services are such as to make it likely that he would be employed as a Russian Interpreter, or as a Staff or Regimental Officer on the frontier or in the field." No such certificate has been exacted as regards Indian Civil Servants, but full discretion is reserved to the Government of India by the Regulations of December 1889 to grant or withhold permission in any case.

In future the spirit of the rule in force in the Military Department should be applied to civil candidates, and leave to proceed to Russia under the Regulations should be granted only to officers who seem likely to be employed, before their active service comes to an end, in situations where a knowledge of Russian may be of real advantage to the State. (S. of S. No. 116 (Public), dated 29th Nov-

ember 1894; *vide* G. R. No. 1135, dated 11th February 1895.)

In view of the foregoing orders of the Secretary of State, the Government of India will closely scrutinize applications from officers of the Indian Civil Service for permission to present themselves for examination in Russian, and will be very sparing in the grant of permission, especially to officers who have had more than 12 years' service, or who have elected for the Judicial Branch of the service. (G. I., H. D., No. 1-Examn. 19, dated 24th January 1895; *vide* G. R. No. 1135, dated 11th February 1895.)

II.—DEPUTY COLLECTORS.

1. Every person appointed to be or act as Deputy Collector (without having passed the Departmental Examinations prescribed for graduates and non-graduates) is required to pass the Departmental Examination, Higher Standard (prescribed for Junior Civil Servants) within one year from date of taking charge, or at the first examination held after the expiration of one year from such date. On failure so to pass, a deduction of 10 per cent. shall be made from his salary until he shall have passed the examination. Until the above examination shall be passed, the person appointed will be shown in the Civil Lists as a probationer, and on failure so to pass within two years from the date of nomination he will forfeit his appointment. (G. N., G. D., dated 12th July 1871.)

Note.—This rule is applicable to Deputy Collectors in Sind (G. Rs. Nos. 1195, dated 22nd February 1882, and 4844, dated 25th July 1887).

2. The Honourable the Governor in Council is pleased to make the following modifications in the existing rules in so far as they are applicable to the Departmental Examination of native candidates according to the Higher Standard :—

1. No marks shall be allowed to a native candidate for his knowledge of any vernacular language whatever, and if a native candidate satisfactorily performs the exercises constituting the other three subjects, *viz.*, II. Judicial, III. Revenue, and IV. Accounts, and obtains the requisite number of marks for them, he will be declared to have passed the examination; but, if his English composition be found to be indifferent, he shall on no account be declared qualified although his replies to questions be substantially correct.

2. If a native be appointed to a district the vernacular of which is different from his own, he will have to undergo an examination in the language of the district in the same manner as a Covenanted Civil Servant is required to do under Rule VII (of the rules for the examination of Junior Civil Servants). This examination will, however, be quite distinct from, and independent of, his Departmental Examination.

Note.—This rule is to be enforced in the case of substantive *pro-tem.* or acting holders of the appointment also. (G. R. No. 7745, dated 29th September 1892.)

3. No candidate for whom the passing of the Departmental Examination is not compulsory shall be allowed to appear more than twice, and that, also, not before the expiration of an interval of two years from the date of the first failure.

4. In the case of candidates of the above description, a certificate of having passed the examination shall hold good only for five years from the date of passing, and after the expiration of that period it will be necessary to undergo the examination afresh, unless in the meantime the candidate shall have obtained an appointment as Deputy Collector. (G. N. dated 20th August 1873 ; *vide* G. R. No. 4021, dated 15th July 1873.)

For the purpose of the foregoing rules, Eurasian candidates are native candidates. (G. R. No. 1986, dated 25th March 1882.)

3. His Excellency the Governor in Council is pleased to direct that Rules 1 and 2 published in Government Notification dated 20th August 1873, disallowing the examination of natives in the vernacular languages at their Departmental Examination according to the Higher Standard, should be made applicable in the case of native candidates appearing for Departmental Examination according to the Lower Standard. (G. N. dated 3rd March 1874 ; *vide* G. R. No. 1135 of the same date.)

4. A Deputy Collector, who is appointed to and joins his appointment in a district of which the vernacular is not his own language, must be required, irrespective of the length of his previous service, to pass in the vernacular of that district within one year from the date of his joining his appointment, and if he fails to do so, the deduction prescribed in the last part of Rule 7 of the rules for the examination of Junior Civil Servants and others, should be made from his pay. (G. R. No. 1057, dated 9th February 1889.)

5. The Assistant and Native Assistant to the Commissioner, N. D., should be required to pass in Maráthi if Gujaráti is their mother tongue or in Gujaráti if Maráthi is their native language. In the same way, the Assistant and Native Assistant to the Commissioner, S. D., should be required to pass in Kánarese if Maráthi is their native language, or in Maráthi if Kánarese is their mother tongue.

It is desirable that the Personal Assistant to the Director of Land Records and Agriculture should be acquainted with the three vernacular languages of the Presidency Proper, but in any case it is essential that he should be thoroughly conversant with Maráthi and Gujaráti. He should, therefore, be required to pass in whichever of the two latter languages is not his mother tongue.

The Alienation Assistant to the Commissioner, C. D., need not be required to pass an examination in those languages.

In the case of the Uncovenanted Assistant Commissioner in Sind, a knowledge of Sindhi is all that need be insisted upon. (G. Rs. Nos. 2500, dated 30th March 1889, and 3474, dated 11th May 1889.)

6. The Personal Assistant to the Commissioner of Customs, Salt, Opium and A'bkári need not be called upon to pass the Departmental Examination prescribed for Deputy Collector so long as he holds the post of Personal Assistant, but must pass in Gujaráti if Maráthi is his mother tongue or in Maráthi if Gujaráti is his own language. (G. R. No. 3076, dated 26th April 1889.)

7. The Deputy Collector who enters the service by passing the competitive examination should be required to pass the same tests as Junior Civilians, *viz.*, the Higher and Lower Standard Departmental Examinations.

The probationary Deputy Collectors should be required actually to hold charge of the treasury. The treasury work is not likely to suffer, as they have the permanent Treasury Officer to refer to in case of any difficulty. (G. Rs. Nos. 4852, dated 29th June 1897, and 5920, dated 10th August 1897).

III.—MÁMLATDÁRS AND AGRICULTURAL INSPECTORS.

1. In the Northern Division, in making probationary and substantive appointments to the post of Mámlatdár, candidates who have a knowledge of both Gujaráti and Maráthi will ordinarily be selected in preference to those who do not possess such knowledge. In the Central and Southern Divisions, candidates who have a knowledge of both Maráthi and Kanarese will similarly have a preferential claim.

2. Every Mámlatdár will be required to pass, within a year of his first substantive appointment, an examination before the Central Examination Committee in one vernacular language of the Division other than his own vernacular, unless he shall have already done so before obtaining a substantive appointment.

3. Failure to comply with Rule 2 will entail stoppage of promotion, and a deduction of 10 per cent. from the pay of defaulters. (G. R. No. 4406, dated 23rd May 1892.)

4. It is not necessary that Mahálkaris should come under the foregoing rules, as they are most rarely transferred from a district with the vernacular of which they are conversant to one in which they are ignorant of the language. The case, however, as regards Agricultural Inspectors is different and the rules should be held to apply to them equally with Mámlatdárs. The Commissioners, however, should endeavour, as far as possible, to post such of these officers as are called upon under the rules to pass

in a second language to stations where there are facilities for acquiring it.

Certificates of qualification in a language given by Collectors cannot be allowed to hold good under the rules. The only certificate which can be accepted is that of the Central Committee for Vernacular Examinations. (G. R. Nos. 1304, dated 15th February 1893.)

IV.—HEAD ACCOUNTANTS.

1. No person shall be held eligible for the post of Head Accountant who has not passed an examination in Revenue and Financial Accounts before the Central Committee at the time of the Departmental Examinations of Junior Civil Servants. The Committee shall set the papers in Hope's Forms, and the Accountant General a searching paper in the Financial Accounts.

In making the appointment of Head Accountants, selection shall be made, according to the date of passing the examination, from among the Deputy Accountants and other persons permitted to appear for the examination.

The examination shall be open to (1) Deputy Accountants, (2) those who hold *or have been promoted from* the position of Senior Clerk below the Deputy Accountant, (3) Local Fund Accountants, (4) Head Clerks to Collectors and (5) the Stamp and Opium Head Clerk in the Collector's Office, Ahmedabad.

Note.—It is left to the Collectors to decide whether, in making appointments of Deputy Accountants and Local Fund Accountants, preference should be given to men who have passed the examination for Head Accountants.

(G. Rs. Nos. 1418, dated 21st February 1893, and 4166, dated 21st June 1893.)

V.—ADMISSION TO AND PROMOTION IN THE REVENUE BRANCH OF THE PUBLIC SERVICE.

1. The following rules for admission to the higher appointments in the Revenue Branch of the Public Service in Sind are published for general information :—

Classes eligible for appointments to higher grades of Revenue Service.

1. In future all vacant appointments in the grade of Head Munshi, Mukhtyárkar and Deputy Collector will be filled up from the following classes only :—

(1) Graduates of any University who become qualified under these rules.

(2) Government servants in the Revenue or kindred Departments who pass the Departmental Examinations required by these Rules.

(3) Experienced servants of Government of proved merit and ability, whose age and ignorance of English may prevent their passing the prescribed examinations.

2. Any graduate can become qualified for a Head Munshiship by serving for not less than one year under a Mukhtyárkar as Second Munshi and by passing the ordinary Lower Departmental Examination.

Graduates qualified or eligible for Head Munshiship.

3. Such graduate can further become qualified for a Mukhtyárkarship, (1st) by serving for six months as a Head Munshi, (2nd) by then passing the Higher Departmental Examination, provided that he produces proof of competency and good moral character.

Graduates qualified or eligible for Mukhtyárkarates.

4. All vacancies in the grade of Second Munshi in Mukhtyárkar's office shall first be offered to graduates who have formally intimated to the Commissioner their willingness to serve under these rules. Lists will be kept of such graduates, and only in the event of there being no graduate willing to take up the appointment of Second Munshi it should be granted to others. The name of any graduate who twice refuses or declines to accept an appointment will be struck off the list of applicants, &c.

All appointments as Second Munshi to be reserved for graduates.

Lists should be kept of all graduates who apply for appointments in the Revenue Branch under these rules.

Name of graduate twice refusing an appointment to be removed from list.

5. Lists shall be kept as provided in Rule 6 of all Revenue subordinates and of all duly qualified graduates who pass the Departmental Examinations, the names being arranged in order of merit, *e.g.*, where a Revenue subordinate and a graduate who has served for a year as Second Munshi pass the Lower Departmental Examination at the same time, their names shall be entered on the lists in the order of merit, and they shall be entitled to promotion to Head Munshiships as they fall vacant in that order. Similarly, if a qualified graduate and Revenue subordinate both pass the Higher Standard at the same time, they shall be promoted to the office of Mukhtyárkar in the order in which they pass the examination.

General list of qualified candidates how to be kept.

6. The lists of persons qualified to hold the office of Head Munshi shall be kept by the Collectors, and the lists of all persons qualified for promotion to Mukhtyárkarship will be similarly kept by the Commissioner in Sind.

Detailed lists of officers qualified to be Head Munshis and Mukhtyárkars.

7. No graduate or Revenue officer can go up for Higher Standard Examination except as provided in Rule 13 or 14 without first passing the Lower Standard, and no candidate will be permitted to present himself more than twice for the same examination.

Both lower and higher examinations must be passed except in certain cases.

Only two chances of passing allowed for each examination.

8. Promotion from one grade to another in the appointment of Mukhtyárkar will be regulated by seniority or exceptional merit.

Promotion to grades of Mukhtyárkar how regulated.

9. An officer who has served satisfactorily as Mukhtyárkar or who has qualified himself under Rule 14 will be considered eligible for appointment as Deputy Collector.

Promotion to Deputyships.

10. No subordinate officer will be permitted to present himself for the Departmental Examination without the approval of the Collector and a certificate from the Divisional Officer declaratory of the thorough fitness of the candidate.

Restrictions on appearance at Departmental Examination.

11. Any graduate holding the office of Second Munshi, who fails to pass the Lower Standard Departmental Examination within two years from the date of his appointment as a probationer, will be removed from his probationary appointment.

Graduates failing to pass Lower Standard Departmental Examination in two years to be removed from appointment.

12. Service as Head Accountant, as Head Munshi to Commissioner, to Collector or Assistant Collectors, as Head Clerk to Commissioner or Collector, as Deputy Accountant, as Huzúr Accountant, as Kotwál, will be held to qualify for promotion to a Mukhtyárkarate in the same way as service as a Head Munshi to a Mukhtyárkar, *i.e.*, a qualified officer upon passing the Lower Standard Examination becomes eligible for any of those appointments, and after six months' service in them can go up for the Higher Standard and thus qualify himself for promotion to a Mukhtyárkarate in the same way as if he had held a Head Munshiship. Existing incumbents of such offices are required to pass both Departmental Examinations if they wish to be promoted to the grade of Mukhtyárkar.

Special appointments qualifying in the same way as Head Munshiship for promotion to Mukhtyárkarate.

13. Head Accountants at present in the service wishing to qualify themselves for Mukhtyárkarates must pass the Departmental Examination, Higher Standard, but need not serve for six months as Head Munshi.

Head Accountants to qualify for Mukhtyárkarship need only pass Higher Departmental Standard.

14. Mukhtyárkars at present in the service wishing to qualify themselves for promotion to the rank of Deputy Collector must pass the Departmental Higher Standard, and appointments to Deputy Collectorships will ordinarily be made from Mukhtyárkars qualified under this rule or under (3) of Rule 1.

Present incumbents of office of Mukhtyárkars in order to qualify themselves for promotion to grade of Deputies must pass Higher Standard.

In the absence of qualified candidates vacancies to be filled up as at present.

15. Until properly qualified candidates become available, vacancies will be filled up as usual by seniority and selection.

16. Any candidate who passes the Lower Standard Departmental Examination becomes qualified to be appointed a Magistrate of the Third Class, and any candidate who passes the Higher Standard becomes eligible, if otherwise duly qualified, to be appointed a Magistrate of the Second or First Class as may be recommended by the District Magistrate: provided that no Third Class Magistrate can be appointed a Magistrate, Second Class, until he has exercised the powers of a Third Class Magistrate for six months, and no Second Class Magistrate can be appointed a Magistrate of the First Class until he has exercised Second Class powers for not less than six months.

Note.—As these rules prescribe the ordinary Lower and Higher Standard tests in lieu of the more difficult Special Departmental Examinations prescribed under Government Resolution No. 6505, dated the 17th December 1878, it must be understood that an officer transferred or promoted from Sind to the Presidency Proper will be required to pass the Special Higher Standard Examination.

(G. Rs. Nos. 6840, dated 2nd October 1882, 4347, dated 2nd July 1888, 9864, dated 16th December 1892, and 1267, dated 14th February 1893.)

2. Candidates from Sind may be admitted to the Higher Standard Departmental Examination who are certified by the Commissioner in Sind. The Commissioner will grant certificates in accordance with the Rules of 2nd October 1882. (G. R. No. 1769, dated 2nd March 1883.)

3. The sanction of Government is not necessary to the exercise by the Commissioner in Sind of the power of exempting officers, under Clause 3 of Rule 1 of the foregoing rules, from passing the Departmental Examinations. (G. R. No. 3326, dated 6th May 1889.)

4. In view of the special requirements of Sind, the Commissioner in Sind is authorized to grant permission to selected officers of approved merit, employed in Departments other than the Revenue Department, to appear at the Revenue Departmental Examinations, subject to the condition that such officers on their passing the requisite examinations should not be appointed to posts of Mukhtyárkars unless they have served for at least six months in one of the appointments mentioned in Rule 12 of the rules of 2nd October 1882. (G. R. No. 3134, dated 1st May 1893.)

5. His Excellency the Governor in Council is pleased to lay down the following rules for the admission to, and promotion in, the Revenue Department of this Presidency of graduates* and non-

* The graduates to whom in accordance with these rules preference is to be given in filling certain appointments in the

graduates. These rules supersede all previous rules published on the subject since December 1878 :—

"*Rules for the admission to, and promotion of, *graduates and non-graduates in the Revenue Department.*

PART I.

ORDINARY RULES OF THE REVENUE DEPARTMENT.

1. Before admission the educational test must be passed.

A first class certificate qualifies for admission into either English or vernacular offices ; a second class certificate, for admission to vernacular offices only.

2. After admission and after one year of probation the Subordinate Departmental Examination must be passed. Until it is passed all appointments are probationary.

3. The Departmental Examination, Lower Standard, is open to non-graduate officers of the Revenue Service on the following conditions :—

G.N. No. 884, dated 1st February 1893.

(*a*) That the candidate holds an appointment in the Revenue Department of which the salary is not less than Rs 20 per mensem ;

(*b*) That the candidate produces a certificate of the Commissioner or Collector under whom he is serving that he is qualified by merit, industry, character and knowledge for admission to the examination ;

(*c*) That he has completed 5 years' service in the Revenue Department.

4. Non-graduate officers of the Revenue Department, on passing the Departmental Examination, Lower Standard, are entitled to promotion to the following appointments under the provisions of Part II, Rule 9 :—

(*a*) Head Kárkun to Mámlatdár ;

(*b*) Chitnís to Commissioner or Collector ;

(*c*) Mahálkari ;

(*d*) Head Clerk to Commissioner or Collector ;

(*e*) Second Clerk to Commissioner or Collector ;

(*f*) Native Huzúr Accountant ;

(*g*) Deputy Chitnís or First Kárkun to Collector.

Revenue Department need not be only graduates of the Bombay University. Such restriction would be a needless and inexpedient limitation of the field of selection. But in selecting graduates for appointment to such posts, preference should be given to Bombay University graduates *cæteris paribus*. (G. R. No. 7742, dated 7th October 1895.)

* The term "graduate" or "graduates", wherever it occurs in these rules should be held to include "holders of a Diploma in Agriculture granted under the revised regulations." (G. R. No. 2178, dated 26th March 1898.)

5. The following persons, not being graduates, but having passed the Departmental Examination, Lower Standard, will be admitted to the Higher Standard Departmental Examination, and on passing it shall have their names registered in order of passing on a supplementary list of non-graduates qualified for the appointment of Mámlatdár and be eligible to fill vacancies in the office of Mámlatdár either acting for short periods or, when no qualified graduate is available, permanently :—

(*a*) *Persons holding the offices of Chitnís or Head Clerk to a Commissioner or Collector (substantive) or District Agricultural Inspector or the Assistant District Inspector, Khándesh ;

(*b*) Any other officer of the Revenue Service of not less than 10 years' standing who may be recommended by a Commissioner on grounds of special merit and may thereon have been permitted by Government to appear for the Departmental Examination, Higher Standard.

Note 1.—No other officer of the Revenue Department below the rank of Mámlatdár is entitled to appear for the Departmental Examination, Higher Standard.

Note 2.—Mámlatdárs appointed from the supplementary list will be eligible for promotion to Deputy Collectorships according to merit.

Note 3.—"Commissioner" in this part includes the Commissioner of Survey and Settlement.

PART II.

PRIVILEGES ACCORDED TO UNIVERSITY STANDING AND DEGREES.

6. Claims of candidates for admission to the Revenue Service shall be accorded preference in the following order in filling appointments of which the salary is Rs. 30 or less per mensem :—

(*a*) Graduates ;

(*b*) Candidates who have passed the First Examination for the Degree of B.A., or B.Sc., or in Civil Engineering, or †(the Final Examination of the Agricultural Class in the College of Science) ;

(*c*) Candidates who have passed the Previous Examination in Arts ;

(*d*) Candidates who have matriculated or who hold the 2nd year certificate of the Agricultural Class in a High School ;

(*e*) Candidates who hold a certificate of admission under the educational test.

Note.—When there are two or more candidates under the same head, the officer making the appointment shall decide which is the most eligible.

*Rule 5 (*a*) is not intended to apply to an officer holding the appointment of Police Head Clerk in a Commissioner's Office. (G. R. No. 5601, dated 15th August 1891.)

† These words have since been substituted by the words "the First Examination for the Diploma in Agriculture." (G. N. No. 2178, dated 26th March 1898.)

7. Promotion to appointments below that of Mámlatdár, except the appointments named in Part I, Rule 4, shall be regulated as follows:—

(*a*) In promoting to appointments of which the salary is Rs. 30 or less per mensem, the order of preference laid down in the last preceding rule shall be observed;

(*b*) In promoting to appointments of which the salary is over Rs. 30 per mensem, the following order of preference shall be observed:—

I.—Graduates and non-graduates who have passed the Departmental* Examination, Lower Standard, according to date of passing;

Note.—Except that graduates shall have a special claim to appointment to the places named in Rule 11 (*a*), (*b*), (*c*), during their probationary service under that rule.

II.—Graduates who have not passed the Departmental Examination, Lower Standard;

III.—Others.

8. Preferential promotion of unpassed graduates under Rule 7 means promotion in preference to unpassed non-graduates of similar standing in the service, and not exceptionally rapid promotion of a junior unpassed graduate as of right over the heads of non-graduate seniors of long and approved service.

9. Promotion to the appointments named in Part I, Rule 4, shall be regulated as follows:—

I.—Passed graduates and passed non-graduates shall be promoted to these appointments according to date of passing the Departmental* Examination, Lower Standard.

Note.—Except that passed graduates shall have a special claim to appointment to the office of Head Kárkun to a Mámlatdár during their probationary service under Rule 12.

II.—Unpassed men shall be promoted to these appointments only if, and for so long as, no passed officer is available.

10. All preferential claims to promotion are subject to the condition that the claimant has proved himself deserving thereof by efficiency and good conduct in his previous service.

11. Graduates who have been appointed to the service under Rule 6 will be admitted to the Lower Standard Departmental Examination after a period of 18 months' service, and during that period they must be employed—

(*a*) for six months on account duties in a Mámlatdár's kacheri;

(*b*) for six months doing duty as a Revenue Kárkun in a Mámlatdár's kacheri;

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* If several graduates and non-graduates pass at the same examination, they shall take rank according to merit as shown by the number of marks obtained in the examination.

(*c*) for six months serving as a general duty Kárkún or Circle Inspector.

Note.—Graduates serving under this rule shall, as far as possible, be placed in the appointments named in (*a*), (*b*), (*c*).

If the Collector so directs, a portion of the service in (*a*) not exceeding three months may be in the Collector's Account Office.

12. Graduates after passing the Lower Standard Departmental Examination must serve for a further period of six months, after which they may appear for the Higher Standard Examination.

During this further period, graduates shall, as as far as possible, hold the appointments of Head Kárkúns to Mámlatdárs, and be invested with powers as Magistrates of the Second or Third Class.

13. Graduates who have passed the Departmental Examination, Higher Standard, are eligible for appointment as Mámlatdárs, and have the first claim to vacancies in that office in order of seniority according to date of passing the examination, but subject to the conditions of Rule 10.

PART III.

GENERAL.

14. The Revenue Department for the purpose of these rules includes—

(1) The Department of Land Revenue and General Administration;

(2) The Revenue Survey Department.

15. If a graduate or non-graduate fails to pass the Lower Standard Departmental Examination after having been afforded three opportunities, or the Higher Standard Departmental Examination after having been afforded two opportunities of doing so, he will not be allowed to present himself for examination again, but may remain in the service in any appointment not reserved for officers who pass these examinations for which he may be deemed fit.

16. The standard of marks to be obtained in order to pass the Lower or Higher Departmental Examination shall be that from time to time in force for junior members of the Civil Service.

17. In fulfilment of the engagement made to graduates in 1878, these rules are guaranteed for four years from December 31st, 1885. After that period, non-graduates who pass the Departmental Examinations under the rules in Part I will be eligible to fill every third vacancy in the office of Mámlatdár in each division, in addition to the occasional appointments secured by the provisions of Part I, Rule 5.

18. Government reserve the right in very exceptional cases to sanction the promotion to Mámlats, without passing the Departmental Examinations, of old officers of the Revenue or Survey Departments who were already of long standing in the service when the passing of these examinations was first made a condition of advancement to

that office, and who have proved their fitness while acting in the office of Mámlatdár or in other responsible posts.

(G. N. No. 7105, dated 2nd September 1885, and G. Rs. Nos. 3972, dated 9th June 1890, and 10036, dated 7th December 1894.)

6. Passing the Customs Departmental Examination does not exempt a candidate for employment in the higher grades of the Revenue Branch of the Public Service specified in Government Resolution No. 6505,* dated 17th December 1878, from passing the examination specified in paragraph 1 thereof. (G. R. No. 3565, dated 7th July 1879.)

* Superseded by G. R. No. 7105, dated 2nd September 1885.

7. In the case of officers permitted to appear for the Higher Standard Examination without first passing the special Lower Standard Examination, the minimum aggregate number of marks required to pass should be 60 per cent. of the total: each candidate must obtain 50 per cent. of the marks in each subject, and a special paper should be added, corresponding to the special paper set in the Lower Standard Examination.

The higher standard of marks should be made absolute for all officers who are permitted to appear at the Higher Standard Examination without having passed the lower standard.

(G. R. No. 1766, dated 25th March 1881, and G. R. No. 4983, dated 29th August 1881.)

8. *All* persons, whether in the Government service or not in that service, who present themselves for examination at the Higher Standard Departmental Examination must, if they have not previously passed the prescribed Lower Standard Departmental Examination, qualify under the special or raised higher standard test before they can be declared to have passed the Higher Standard Departmental Examination. (G. R. No. 2525, dated 22nd March 1884.)

9. The official superiors of candidates who desire to pass the Special Higher and Lower Standard Examinations with the object of securing the benefit to which they give a title, should certify in each case what the objects are and what the position of the candidate is in regard to the special rules. The Committee will then examine him accordingly and report the result, or, if the statement of the official superior seems to contain grounds for doubting whether the candidate is proceeding correctly, can first refer to Government for orders. This is to be carefully acted in future by all concerned. (G. R. No. 1195, dated 22nd February 1882.)

10. The number of candidates for the Lower and Higher Standard Departmental Examinations from any given district and from any given office must be but small, and it is exceedingly inconvenient to hold intermediate examinations of this nature. The examination only lasts a few days and the Collector

should make the best arrangements possible to carry on the work during those days in the absence of the candidates, and should not refuse permission to candidates to appear on the score that their services cannot be dispensed with for even so brief a period. (G. R. No. 2132, dated 13th March 1883.)

11. The rules sanctioned by Government Resolution No. 7105, dated 2nd September 1885, declare the conditions of qualifying for Mámlats from the date on which they came into force, *viz.*, 3rd idem. In paragraph 10 of that Resolution it was ruled that 52 Revenue officials who were reported to have qualified according to the Notification of December 17th, 1878, paragraph 3, must be held entitled to have their names entered on the list of persons qualified for Mámlats before September 3rd, 1885. They are to stand on that list along with qualified graduates according to the order of the date of passing the Higher Departmental Examination and are eligible for Mámlats in their turn. The authority who considers their fitness for appointment as Mámlatdárs will of course decide whether they have had the requisite training in lower offices. If not, their appointment can be deferred. Government has simply ruled that they have qualified under the saving clause, paragraph 3 of Resolution No. 6505 of December 17th, 1878. (G. R. No. 9107, dated 12th November 1885.)

12. The rules published in Government Notification No. 7105, dated 2nd September 1885, apply to graduates who qualify for Mámlats after that date and do not debar those non-graduate officers employed in the Revenue Department who passed the Departmental Examination before 2nd September 1885, and whose names have been admitted to the list of officers qualified for Mámlats from receiving the promotion they have earned. The men who pass Departmental Examinations are entitled to appointments in order of seniority according to the date on which they pass. Non-graduates who passed under the special provision made by Government on their behalf before the Rules of 2nd September last were issued are of course senior on the list of qualified men to graduates who qualify under those rules, and their rights are secured by the previous rules which allowed them to qualify by passing up to a certain date. (G. R. No. 1543, dated 25th February 1886.)

13. Save in the very exceptional cases referred to in Rule 18 of the rules published in Government Notification No. 7105, dated 2nd September 1885, it is incumbent on candidates for the office of Mámlatdárs to pass the Departmental Examinations prescribed therein in order to qualify themselves for appointments to that office, irrespective of any other examinations which they may have passed. (G. R. No. 5492, dated 2nd August 1886.)

14. It was not intended by No. 15 of the rules sanctioned by Government Resolution No. 7105,

dated 2nd September 1885, to allow three further chances of passing to persons who had already appeared for the Special Lower Standard Departmental Examination on one or more occasions and failed. In all only three chances of passing can be allowed, whether under the old or the new rules. (G. R. No. 10358, dated 24th December 1885.)

15. By Nos. 6 and 7 of the rules sanctioned by Government Resolution No. 7105, dated 2nd September 1885, it was not intended either to prohibit the appointment of graduates who are "candidates for admission" from appointment direct to the higher places, "of which the salary is Rs. 30 or less," or to give such graduates a preferential right to them in all cases. Such places may be filled either by promotion or by selection from candidates for admission. The appointing officer must consider (1) the claims of non-graduates serving in this grade on account of approved service, and (2) the superior qualifications which a graduate candidate may possess. Unless the claims under (1) are very strong, the graduate should be preferred. Government did not desire to exclude old employés altogether. On the other hand it is of course the desire of Government that graduates should not be offered nothing but the lowest grade appointments on Rs. 12. (G. R. No. 1942, dated 11th March 1886.)

16. Persons who have passed the Overseers' Examination should be held to be entitled to the same preference in respect of appointment and promotion as the persons enumerated in clause (*b*) of No. 6 of the rules in Government Notification No. 7105, dated 2nd September 1885. (G. R. No. 2824, dated 14th April 1886.)

17. The attention of the Collectors is specially drawn to the discretion given by No. 10 of the rules for the admission to and promotion of graduates and non-graduates in the Revenue Department, published in Government Notification No. 7105, dated 2nd September 1885, and to the desirability of using it so as to exclude from appointments they are not fitted to hold any persons who though eligible for promotion under the rules, have not given proof that they deserve it by good conduct and efficiency.

There seems to have been considerable diversity of practice and some neglect of the expressed wishes of Government in the working of Rule 6, which is intended to regulate preferential claims to first appointments. To remedy this and at the same time to leave room for the exercise, by the Collector as head of the district, of such reasonable discretion as is necessary in the interest of the Public Service, the Governor in Council is pleased to direct that in the list of candidates, which is presumably kept for each Collectorate, the educational qualifications, including year of, place in order of merit, and any honours gained in, any public examination they

may have passed, should be shown; that candidates should not be entered in the list unless the Collector has satisfied himself personally or by trustworthy recommendations that they are likely to turn out useful servants of Government; that on the occurrence of a vacancy the Collector should select the best man on his list at the time, without reference to date of application or examination passed, *e. g.*, an honour man recently entered might reasonably be preferred to a man who had taken a simple pass degree the year before; that his choice is to be guided *primarily* by educational attainments as laid down in Rule 6, but not so as to preclude such exceptions as may be necessary to maintain a due admixture of castes, or to secure men with exceptional qualifications, physical or other, for particular descriptions of work; that candidates should be required to state whether their names are entered in the lists of any other district or districts, with a view to intimation being sent in case of their being appointed; and that ordinarily the name of a candidate who has refused an appointment should be struck off, but that this should not apply to graduates who have been offered appointments on pay of less than Rs. 30, nor preclude the Collector from giving another chance to any candidate whom he considers specially eligible, or whose refusal may have been the result of causes entitling him to further consideration. (G. R. No. 884, dated 1st February 1893.)

18. No further privilege than the preferential right to first appointments recognized by No. 6 (*b*) of the rules published in Government Notification No. 7105, dated 2nd September 1885, can be granted to the students of the Agricultural Class of the College of Science, Poona. Diplomates in Agriculture cannot be placed on the same footing as graduates holding University degrees. (G. R. No. 7877, dated 26th October 1893.)

19. It is not desirable or necessary, on the ground of natural sequence, to alter the Rules 6 and 7 (*a*) and (*b*). It seems inexpedient that there should be a margin within which there may be a choice between men who have and men who have not passed the Lower Standard Departmental Examination, the more especially as there are many deserving men of the Kárkun class who are ignorant of English and consequently unable to pass the Departmental Examination, and whom it would be hard to practically deprive of much chance of promotion beyond the Rs. 20 grade. (G. R. No. 4967, dated 2nd July 1895.)

20. There is nothing in the rules in Government Resolution No. 7105, dated 2nd September 1885, to prevent advancement to a better paid post within the grade of Head Karkun of an unpassed non-graduate who was a Head Kárkun when the rules came into force. (G. R. No. 2409, dated 27th March 1886.)

21. The rules laid down in Government Notification No. 7105, dated 2nd September 1885, do not render it unnecessary for graduates and non-graduates employed in the Revenue Department in the Presidency Proper to pass any special tests in order to qualify themselves for appointment to the post of Mámlatdár. While graduates and non-graduates serving in Sind are allowed, in order to qualify themselves for the promotion to higher posts in Revenue Department in that Province, to pass the ordinary Lower and the ordinary Higher Standard Departmental Examinations, it is incumbent on candidates for similar appointments in the Presidency Proper to pass either the Special Lower and the ordinary Higher Standard Departmental Examinations, or the Special or Raised Higher Standard Departmental Examination. Candidates appearing at the Special Lower Standard Departmental Examination are required to pass an examination in two special papers—one on revenue matters and the other on revenue accounts—in addition to the papers set at the ordinary Lower Standard Departmental Examination, while those who present themselves at the Special or Raised Higher Standard Departmental Examination are examined in a special revenue paper, corresponding to the special paper set at the Special Lower Standard Departmental Examination, in addition to the two papers on that subject set at the ordinary Higher Standard Departmental Examination. In these circumstances, officers employed in Sind must satisfy the same conditions of qualification before appointment to Mámlats in the Presidency Proper as candidates in the Presidency are required to fulfil. (G. R. No. 4834, dated 7th July 1886.)

22. Commissioners and Collectors should exercise most careful discrimination in recommending, for the favourable consideration of Government under No. 18 of the rules sanctioned by Government Resolution No. 7105, dated 2nd September 1885, applications from their subordinates for exemption from passing the Departmental Examinations with a view to their being promoted to Mámlats. (G. Rs. Nos. 6432, dated 11th September 1886, and 6533, dated 15th idem.)

23. Officers who have been specially exempted by Government under No. 8 of the rules laid down in Government Notification No. 7105, dated 2nd September 1885, from passing the Departmental Examination, should take their rank, according to the length of their service, in the list of candidates qualified for appointment to the post of Mámlatdár. (G. R. No. 4862, dated 8th July 1889.)

24. The Commissioners should send in periodical lists on the 1st of January and 1st of July of each year of the non-graduate employés in their respective Divisions to whom they would recommend on grounds of special merits that permission should be accorded to appear for the Higher Standard Departmental Examination. The special merits in each

case should be clearly specified, and as such merits are in accordance with the rule a qualification essential to give any non-graduate any claim to appear at the examination it is necessary that recommendations made on behalf of non-graduates should be submitted only after careful scrutiny. (G. R. No. 6104, dated 10th September 1888.)

25. No. 9 of the rules sanctioned in Government Resolution No. 7105, dated 2nd September 1885, applies to the first appointment of candidates to the posts named in Part I, Rule 4, but in no way regulates their subsequent promotion *after* they have been so appointed. (G. R. No. 3325, dated 23rd May 1888.)

26. In all cases of appointments made by Collectors in contravention of the rules, a report explaining the reasons should be made to the Commissioner. (G. R. No. 2440, dated 28th March 1889.)

27. Non-graduates who do not hold permanent appointments of Rs. 20 and upwards should be debarred from appearing for the Lower Standard Departmental Examination. (G. Rs. Nos. 7016, dated 4th October 1890, and 884, dated 1st February 1893.)

28. Subordinates in the offices of the Conservators of Forests cannot be held to be officers of the Revenue Department under the rules for the admission to, and promotion in, the Revenue Department of graduates and non-graduates. (G. R. No. 1746, dated 25th March 1881.)

29. The Forest Department is not included in those branches of the service the employés of which are qualified to appear for the Lower and Higher Standard Departmental Examinations. (G. R. No. 7178, dated 9th October 1886.)

30. There is no useful object to be attained by permitting Clerks of the Court; Shirastedárs and Názirs of District Judges to appear for an examination designed especially for revenue officers and qualifying only for promotion in the Land Revenue Department. The nature of the duties of the District Court officers above named is entirely different from that of the duties of the Head Kárkuns, Mámlatdárs and Deputy Collectors, and there is no prospect of any District Court Officer being granted a Mámlat or other revenue appointment merely because he has passed an examination which has been passed by hundreds of purely revenue officials. (G. R. No. 219, dated 10th January 1883.)

31. The Departmental Examinations held by the Bombay Central Committee are intended only for officers serving in British Government employ in the Bombay Presidency, and persons in the service of Native States in the Presidency are not permitted to appear at those examinations. (G. R. No. 5252, dated 27th June 1885.)

32. Persons employed in Native States will derive no advantage from passing the Departmental Examinations held by the Bombay Central Committee, which are intended only for officers serving in British Government employ in the Bombay Presidency. (G. R. No. 8786, dated 29th October 1885.)

33. Service rendered in the office of the Private Secretary to His Excellency the Governor and in the Political Department of the Secretariat cannot be considered as service in the Revenue Department. (G. R. No. 8279, dated 12th October 1885.)

34. Inspectors of Village Registration Offices are members of the Registration Department and are accordingly not entitled to appear at the Departmental Examinations, Lower and Higher Standard, which are intended only for persons actually employed in the Departments named in No. 14 of the rules prescribed in Government Notification No. 7105, dated 2nd September 1885. (G. R. No. 3347, dated 8th May 1886.)

35. There is no rule prohibiting the employment, in the Revenue Department, of natives of India who are not British subjects. (G. R. No. 346, dated 16th January 1886.)

36. The Agricultural Department comes under the head of Land Revenue. (G. R. No. 4211, dated 12th June 1886.)

37. The clerks in the office of the Inspector General of Police are not, like those employed under the District Superintendents and Assistant Superintendants of Police, appointed by the Collectors or eligible for promotion to posts on the establishments of Collectors, and cannot accordingly be regarded as members of the Land Revenue Department. They are, therefore, not entitled to appear at the Departmental Examinations, which are intended solely for officers serving in that Department. (G. R. No. 5177, dated 21st July 1886.)

38. Officers employed in the Departments under the control of the Commissioner of Customs, Salt, Opium and Abkári are ineligible to appear at the Revenue Departmental Examinations, the passing of which qualifies only for the higher appointments in the Land Revenue Department. (G. Rs. Nos. 7636, dated 31st October 1882, and 4043, dated 20th June 1888.)

39. The Head Clerk to the Director of Land Records and Agriculture is not a Head Clerk to a Collector or Commissioner and is consequently not eligible to appear for the Higher Standard Departmental Examination under Rule 5, clause (*a*). He, therefore, could only present himself for examination under clause (*b*) of that rule, if permitted to do so by Government on being "recommended by a Commissioner on grounds of special merit." (G. R. No. 6305, dated 18th September 1888.)

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40. The "Department of Land Revenue and General Administration" is a recognized subdivision of the public service (see the Quarterly Civil List, Part III), and officers employed in the marginally noted Departments (in addition to the Land Revenue Department) attached to a Collector's office should be regarded as members of that Department for the purposes of the rules laid down in Government Resolution No. 7105, dated 2nd September 1885.

1. Local Funds (Clerical Establishment).
2. Political (Clerk attached to the office of the Political Agent).
3. Trade Náka Kárkuns.
4. Forest Settlement Officer's establishment.
5. Bailiffs under Mámlatdárs and Kárkuns attached to the Collector's office in connection with the execution of Civil Court decrees
6. Stamp Kárkuns in the Huzúr Treasury.

Inspectors and Kárkuns serving in the A'bkári Department and clerks under the Western Bhil Agent, Khándesh, cannot be held to belong to the Land Revenue Department, and are not entitled to appear at the Departmental Examinations, Lower and Higher Standard; but when Clerks and Kárkuns holding permanent appointments in the Land Revenue Department are employed on work connected with the A'bkári Department in the Collector's Office, but are still treated as members of the Collector's revenue establishments for purposes of promotion, they may be allowed to present themselves for examination at the Departmental Examinations if they are otherwise entitled under the rules to appear at those examinations.

As in accordance with the orders contained in Government Resolution, Judicial Department, No. 7137,* dated 22nd October 1830, persons employed on clerical duty in the Police Department are members of the Collector's establishment and obtain their promotion in it, such persons may be allowed to present themselves for examination at the Departmental Examinations if they are otherwise entitled, under the rules referred to, to appear at those examinations.

(G. Rs. Nos. 191, dated 12th January 1886, 2170, dated 19th March 1886, and 7979, dated 1st October 1889.)

41. Clerks on the establishment of the Accountant General, Bombay, are not eligible to appear at

** Note.*—In accordance with the orders contained in Government Resolutions, Judicial Department, Nos. 728, dated 3rd February 1894, and 5167, dated 25th July 1894, the office establishments of Police Superintendents and Assistant Superintendents (excepting the members of the Police Accounts establishments, which continue to be recruited from the Revenue establishments) are now recruited from the Police force; and it has been ruled by Government Resolutions Nos. 2144, dated 21st March 1894, and 7841 dated 22nd September 1894, and Government memorandum No. 6584, dated 6th August 1894, that only Police Accountants and members of the Accounts establishments of Superintendents and Assistant Superintendents of Police may be allowed to appear at the Departmental Examinations prescribed for officers of the Revenue Department if they are otherwise entitled to do so.

the Departmental Examinations. (G. R. No. 8060, dated 23rd October 1889.)

42. The rules sanctioned by Government Resolution No. 7105, dated 2nd September 1885, should be held to be applicable as much to the Account Branch of a Collector's office as they do to other branches of his establishment. But appointments in the Huzúr Account Branch of the Collector's office should not be brought under the strict operation of Rule 7 (*b*), and Collectors should be allowed full discretionary power to nominate to these appointments the persons whom they considered best qualified to hold them, irrespective of the fact whether they have or have not passed the Lower Standard Examination. (G. R. No. 8446, dated 6th November 1889.)

43. Inspectors of Police cannot be allowed to appear at the Revenue Departmental Examinations, which are opened only to members of the Departments named in No. 14 of the rules published in Government Notification No. 7105, dated 2nd September 1885. (G. R. No. 8078, dated 15th November 1890.)

44. Service under the Bench of Magistrates cannot be admitted to be same as under the City Magistrate, Poona. To do so would be to allow a Clerk, whose service might have been solely under a body whose duties are purely magisterial, to count such service as in a Land Revenue office, and thereby acquire a privilege which was never intended. (G. R. No. 6023, dated 2nd September 1891.)

45. The Customs Department in Sind is not included in the Department of Land Revenue and General Administration in that Province, and in accordance with the ruling contained in Government Resolution No. 4043, dated 20th June 1888, officers employed in the Customs Department in Sind cannot be considered eligible to appear at the Revenue Departmental Examinations. (G. R. No. 6865, dated 6th October 1891.*)

46. Clerks employed in the Trade Statistical Branch of the Examiner of Guaranteed Railway Accounts, Bombay, are not entitled to appear for the Lower Standard Departmental Examination, which is open only to members of the Departments named in No. 14 of the Rules published in Government Notification No. 7105, dated 2nd September 1885. (G. R. No. 3504, dated 30th April 1896.)

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* Government Resolution No. 3134, dated 1st May 1893, authorizes the Commissioner in Sind to grant permission to selected officers of approved merit, employed in Departments other than the Revenue Department, to appear at the Revenue Departmental Examinations, subject to the condition that such officers on their passing the requisite examinations should not be appointed to posts of Mukhtyárkars unless they have served for at least six months in one of the appointments mentioned in No. 12 of the Rules of 2nd October 1882.

VI.—SURVEY OFFICERS.

1. The following rules have been passed by the Governor General in Council, and are published for general information :—

I.—The period of probation will be one year. If in any case strong special reasons render an extension of this term expedient, application should be made through the Surveyor General, or the Head of the Department in which the probationer is serving, in full time to permit of orders being passed before the period of probation expires.

II.—Every candidate will be required to furnish the certificates of which forms are given below, signed by his Commanding Officer and the Surgeon of his Regiment or Corps, respectively.

III.—There will be distinct examinations, both preliminary and final, for the Topographical and Revenue Surveys (including the topographical branch of the Trigonometrical Survey), and for the Great Trigonometrical Survey.

IV.—For the Topographical and Revenue Surveys, the preliminary examination will embrace the following subjects :—

1. Arithmetic, including involution and evolution, arithmetical and geometrical progression, proportion or rule-of-three, vulgar and decimal fractions, logarithmic calculations, and mensuration of surfaces.
2. Elementary geometry, first four books of Euclid.
3. Algebra, as far as quadratic equations, inclusive.
4. Elements of plane trigonometry.
5. Topographical, mechanical, or civil drawing, to be executed in the presence of Examiners.

V.—Artillery Officers, and officers holding certificates of qualification granted at the Institutions of Addiscombe and Woolwich, or the Staff College, or Civil Engineering Colleges, or who may have passed an examination in surveying according to the army standard, will be exempted from undergoing any preliminary examination, and will, on being nominated, at once enter as probationers, and be attached to Survey Parties, to learn their practical duties in the field and during the recess.

VI.—The final examination for the Topographical and Revenue Surveys, to be held at the close of the period of probation, will comprise—

1. The satisfactory execution, unassisted, of a small area of country including the computation and entire mapping involved in the same.
2. Perfect use and knowledge of all the instruments employed in the Department, and adjustment of the same.

3. The elements of natural astronomy, sufficient for ascertaining time, azimuth, and latitude.
4. A fair knowledge of all rules in force, for the general conduct of the Survey Establishments, in the Department to which the probationer is attached.

Each candidate will also be required to produce a certificate of having passed an examination by the higher standard in any vernacular languages prescribed by the Government under which the probationer is employed.

VII.—The examinations for the Topographical and Revenue Surveys will be conducted by the Head of the Department in which the probationer is serving, aided by such professional officers, to the number of two, as may be available. Whenever desirable, sealed examination questions may be transmitted, in view to their being answered by the probationer in the presence of the officer in charge of the Survey Party to which he is attached, in lieu of obliging him to appear at departmental head-quarters for the purpose of examination.

VIII.—For the geodesical branch of the Trigonometrical Survey, the preliminary examination will be theoretical only, comprising mathematics up to conic sections, and the principles of construction of instruments in common use. The final examination will be theoretical and practical, embracing analytical geometry of three dimensions, statics, dynamics, astronomy, the construction of the instruments of the Great Trigonometrical Survey and a practical familiarity with their management. Candidates for the Staff Corps will also be required to produce a certificate of having passed an examination by the higher standard in any vernacular language prescribed by the Government under which the probationer is employed.

IX.—The Examiners will be the Superintendent of the Great Trigonometrical Survey, with any two available officers of the Department at his head-quarters.

X.—The degree of proficiency attained by candidates will be ascertained in both branches of the Survey Department by written questions, the examination papers being framed at departmental head-quarters.

FORM OF CERTIFICATE REFERRED TO IN RULE II.

Certificate of Commanding Officer.

Certified that Lieutenant of the Regiment, a candidate for the Staff Corps, completed three years' duty with a Regiment on the two years of which (or the whole period of which as the case may be) were spent in India.

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Lieutenant has passed the examination in the native languages which qualifies for staff employment, and has attained such a knowledge of his drill and duty as an officer of Infantry (or Cavalry) in all its branches as to qualify him for the command of a Company (or Troop) in all situations. He also possesses a fair knowledge of the Articles of War and of the Queen's Regulations, as well of the Military Regulations of the (Bengal, Madras or Bombay) Presidency, besides having gained some general acquaintance with the organization and nature of the duties of all branches of the Army serving in Bengal, Madras or Bombay.

I further certify that, during the period Lieutenant has served with this Regiment, he has been attentive to his duty, and that his conduct has been in all respects unexceptionable.

Station and date.

Commanding Regiment.

Surgeon's Certificate.

I certify that, to the best of my belief, Lieutenant is in good bodily health, has good eyesight, and is apparently well capable of undergoing the vicissitudes of service in India.

Station and date.

Surgeon Regiment.

(G. I., H. D., Notn. No. 49, dated 9th February 1869; *vide* G. R. No. 683 A, dated 17th idem.)

2. The rules accompanying Government Resolution No. 683 A, dated 17th February 1869, should be held applicable to Probationary Uncovenanted Assistants of the Survey Department. It is very desirable that the examinations of Probationary Uncovenanted Assistants should be held before formally constituted committees. It will be the duty of the Survey Commissioner, from time to time, to apply to Government for the appointment of a Committee, and in doing so, to suggest the names of the officers who should compose it.

In considering whether a probationer should be confirmed or not, Government will, in addition to the recommendation of the Committee, be guided by the opinion of the officer under whom he has been directly serving. (G. R. No. 1723, dated 1st April 1874.)

3. In supersession of existing orders it is ruled that, prior to appointment as Probationary Assistant Superintendent in the Revenue Survey Department of this Presidency, it shall henceforward be always necessary—

1. That the candidate shall have completed his nineteenth year of age; and

2. That unless he has already passed an examination in Maráthi, according to the higher

standard, he shall pass a special examination in that language by—

(i) Reading and translating into English passages from the Maráthi translation of Æsop's Fables;

(ii) Reading out a Maráthi petition written in very plain simple language, in the Modi character:

(iii) Translating from English into Maráthi an easy, simple deposition; and

(iv) Conversing on the most familiar subjects in Maráthi.

2. The examination in the above heads will be conducted by the Presidency Examination Committee; and this examination will be called "The standard qualifying for first appointment to the Revenue Survey."

3. Before promotion from the probationary grade to a Permanent Assistant Superintendent's appointment, it is necessary that a Higher Standard Examination be passed in Maráthi (or in Gujaráti, should the officer be nominated to Gujarát) as well as the usual Departmental Examination in Departmental subjects connected with carrying on duty in the survey.

4. If, after passing a Higher Standard Examination in Maráthi or Gujaráti, an officer should be at any time employed in a province where another language is the vernacular, he will be required to pass an examination as regards reading and speaking in the language of that province.

5. Any officer who shall not pass the examination prescribed in paragraph 4 within one year shall be liable to a reduction of 20 per cent. made from his salary until such date as he may pass.

(G. Rs. No. 4095, dated 14th August 1878, and No. 1140, dated 12th February 1883.)

4. Survey officers required under the rules to pass examinations in the vernacular languages should pass such examinations before the Civil and Military Examination Committee. Only in special cases and for special reasons can examinations by Local Committees be allowed, and then in such instances the previous sanction of Government should be obtained to the adoption of such a course. Uniformity of standard can only be ensured by requiring the candidates to be, as a rule, examined by a permanent Examining Board. (G. R. No. 2116, dated 22nd April 1880.)

5. The language in which a survey officer is required to pass the Higher Standard Examination is the vernacular of the district or province in which he is serving at the time. (G. R. No. 1654, dated 21st March 1881.)

6. In order to qualify for the higher scale of pay, a Probationary Assistant Superintendent of Survey is required to be able to test measurements satis-

factorily and to pass a colloquial examination in the vernacular language of the district in which he is employed.

Report should be made to Government when Probationary Assistants pass the prescribed examination entitling them to the higher rate of pay in view to the publication of the requisite notification in the *Government Gazette*.

(G. R. No. 4140, dated 18th July 1881.)

VII.—FOREST OFFICERS.

1. His Excellency the Right Honourable the Governor in Council is pleased to prescribe the following rules for the examination of officers of the Forest Department in the Bombay Presidency, in supersession of the rules contained in Government Notification No. 2878, dated 4th June 1880, published at pages 535 and 536 of the *Bombay Government Gazette* of 10th idem, Part I, as amended by Government Notifications noted in the margin :—

No. 5142, dated 29th September 1880, published at page 782 of the *Bombay Government Gazette* of 30th idem, Part I.

No. 5510, dated 3rd August 1886, published at page 649 of the *Bombay Government Gazette* of 5th idem, Part I.

1. Forest officers will be required to pass examinations in the following subjects :—

(*a*) Languages (according to the Lower and Higher Standards prescribed for Junior Civilians).

(*b*) Land Revenue.

(*c*) Forest Law.

(*d*) Procedure and Accounts.

2. Examinations in all the subjects will be held in April and October of every year before the Central Committee for Departmental Examinations, to which a Conservator of Forests or a Deputy Conservator of Forests in charge of a Circle will be appointed from time to time as an additional member. Examinations in languages alone will be held in January and July before the Sub-Committee for Vernacular Examinations of the Central Committee for Departmental Examinations.

3. Every officer shall present himself for examination according to the Lower Standard in the language of the division in which he is serving at the latest, at the first meeting of the Central Committee after he has been nine months in the service in this country, whether as Assistant Conservator of Forests, Second Grade, or as Extra Assistant Conservator of Forests, Fourth Grade, and he shall be placed under stoppages of 10 per cent. of his pay should he fail to pass within 18 months of the date of his joining the service in the Presidency.

4. No officer will be eligible for promotion out of the grade of Assistant Conservator of Forests,

Second Grade, or of Extra Assistant Conservator of Forests, Fourth Grade, as the case may be, until he has passed a further examination in the language of his division according to the Higher Standard, and has qualified in—

(*a*) Land Revenue

(*b*) Forest Láw

(*c*) Procedure and Accounts

according to the tests prescribed in Rule 6.

5. For the purposes of these rules, the following languages shall be held to be those of the different Forest Circles :—

Central	...	...	Maráthi.
Southern	...	Ratnágiri, Kolába and Belgaum.	Maráthi.
		Dhárwár, Bijápur and Kánara.	Kánarese.
Northern	...	East and West Thána.	Maráthi.
		Surat and the Panch Maháls.	Gujaráti.
Sind	...	...	Sindhi.

In the case of the Circles against which two languages are entered, the language of the division in which the Forest officer is serving will be the language in which he will be required to pass.

6. The test in Land Revenue, Forest Law, and Procedure and Accounts will be as follows :—

Land Revenue.

Act No. V of 1879, entitled the Bombay Land Revenue Code, Chapters I and II ; of Chapter V, Sections 37 to 44 ; of Chapter VI, Section 62, Clause 2 ; and Chapter IX ; Rules 35 to 37, 91 to 98B (Trees) and 100 to 106 (Boundary marks) of the Rules under Section 214 of the Bombay Land Revenue Code.

Forest Law.

Act No. VII of 1878, the Indian Forest Act, 1878, as modified up to date, with all the rules published and in force at the time being under different sections of that Act.

Procedure and Accounts.

Not more than 12 questions from—

(*a*) Such portions of the Forest Department Code as have been applied to the Bombay Forest Department.

(*b*) The standing orders and rules of the Forest Department of the Presidency.

(*c*) Rules which have been published under the Sea Customs Act, 1878, the Arms Act XI of 1878, the Abkári Act V of 1878 and are in force at the time being and apply to the Forest officers in the Forest Department of the Presidency.

7. In addition to the examination above described, any officer of the Forest Department of less than 15 years' standing who may be transferred

Second Grade, or of Extra Assistant Conservator of Forests, Fourth Grade, as the case may be, until he has passed a further examination in the language of his division according to the Higher Standard, and has qualified in—

(*a*) Land Revenue

(*b*) Forest Láw

(*c*) Procedure and Accounts

according to the tests prescribed in Rule 6.

5. For the purposes of these rules, the following languages shall be held to be those of the different Forest Circles :—

Central	...	...	Maráthi.
Southern	...	Ratnágiri, Kolába and Belgaum.	Maráthi.
		Dhárwár, Bijápur and Kánara.	Kánarese.
Northern	...	East and West Thána.	Maráthi.
		Surat and the Panch Maháls.	Gujaráti.
Sind	...	...	Sindhi.

In the case of the Circles against which two languages are entered, the language of the division in which the Forest officer is serving will be the language in which he will be required to pass.

6. The test in Land Revenue, Forest Law, and Procedure and Accounts will be as follows :—

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Forest Law.

Act No. VII of 1878, the Indian Forest Act, 1878, as modified up to date, with all the rules published and in force at the time being under different sections of that Act.

Procedure and Accounts.

Not more than 12 questions from—

(*a*) Such portions of the Forest Department Code as have been applied to the Bombay Forest Department.

(*b*) The standing orders and rules of the Forest Department of the Presidency.

(*c*) Rules which have been published under the Sea Customs Act, 1878, the Arms Act XI of 1878, the Abkári Act V of 1878 and are in force at the time being and apply to the Forest officers in the Forest Department of the Presidency.

7. In addition to the examination above described, any officer of the Forest Department of less than 15 years' standing who may be transferred

from one division to another division, in the language of which he has not passed either according to the Lower or Higher Standard, will be required to pass an examination according to the Lower Standard in the vernacular of his new division, within one year of his transfer; and in the event of his failing to do so, a reduction of 10 per cent. will be made from his salary until he has qualified, or has been transferred to another division, in the vernacular of which he has previously passed.

8. Officers of the Upper Controlling Staff of the Forest Department may, with the previously obtained permission of Government, offer themselves for examination in any one or more of the languages of the Forest Circles of the Presidency mentioned above in addition to those in which they may be required to pass under Rules 4 and 7, and in the event of their passing, will be entitled to the following language allowances:—

Rs. 250 for passing in the Lower Standard.

Rs. 500 for passing in the Higher Standard, subject to a deduction of any allowance already drawn for passing in the same language by the Lower Standard.

9. No Forest officer will be permitted to present himself for examination by two standards in the same vernaculars simultaneously.

(G. Ns. Nos. 2, dated 3rd January 1894, and 9775, dated 29th November 1894.)

2. It is not deemed necessary to extend to the forest service the rules which grant rewards for attainments in the classical languages of India—Sanskrit, Arabic and Persian; nor is it necessary to encourage the acquisition of Urdu, beyond a thorough colloquial knowledge, coupled with a moderate facility in reading and writing it. But the acquisition of, or a higher degree of proficiency in, such languages as Punjabi, Pushtu, Burmese, or other spoken languages is of as great benefit in the case of forest officers as it is in any other branch of the public service. It is therefore decided that whenever by any general or local rules a reward is sanctioned for the acquisition of, or for proficiency in, any spoken or useful native language or dialect, such rules shall be held applicable to all European forest officers, provided that when any officer desires to qualify himself for such reward, he shall first obtain the permission of the local Government or Administration under which he is serving, and the Government will decide whether the language is one, the acquisition of, or high proficiency in, which will be useful to the officer in the district in which he is employed, and will increase his efficiency as an officer of the Forest Department. (G. I., A. R. and C., No. 4-245, dated 9th March 1874; *vide* G. R. No. 1440, dated 19th idem.)

3. The departmental examination of Forest officers in Sind should be held in that province instead of at Bombay or Poona. (G. R. No. **2114**, dated 23rd April 1876.)

4. The Deputy Conservator of Forests in Sind Circles is authorized to set to the candidates in that province questions in that subject for the examination of Forest officers which comprises the Departmental rules, accounts and standing orders relating to forests and official business, as the system of accounts and departmental rules in Sind differs from that in force in the rest of the Presidency. (G. R. No. 6459, dated 30th August 1883.)

5. No person, being a European or of European extraction, shall be deemed eligible for appointment to the post, substantive or officiating, of Extra Assistant Conservator of Forests, unless he shall have passed an examination according to the Higher Standard test in one at least of the vernacular languages of the Bombay Presidency. (G. R. No. 9258, dated 18th November 1885.)

6. The rules for the examination of Forest officers in this Presidency should be enforced in the case of temporary as well as permanent promotions, and no temporary promotion even should be granted until an officer has passed his examination. (G. R. No. 7086, dated 20th September 1889.)

VIII.—CUSTOMS OFFICERS.

1. Native Assistant Commissioners of the Customs Department are not required to pass in a native language, except when the language of the district in which they are employed is other than their vernacular language. (G. R., G. D., No. 366, dated 12th February 1869.)

2. The rules regulating the examination of the subordinate establishments of Government in the Revenue, Magisterial and Police Departments are not applicable to the Customs Department. (G. R. No. 5195, dated 27th November 1869.)

3. In addition to the educational test which regulates admission of candidates into the Customs Department, a second examination, both oral and written, in matters pertaining to the Department as noted in the margin should be required within two years of entering the service. (G. R. No. 515, dated 27th June 1870.)

Land and Sea Customs. Salt. Opium. Port Dues. Registry. Passengers. Spirits.	Arms and ammunitions, together with forms of accounts and rules of the Salt and Customs Department in force.

There is no objection to the subordinates in the Customs Department being examined at the same time as the collectorate examinations are held, but the examinations must be conducted by a distinct Committee of Customs Officers. It is left optional with the Customs Department to determine the places at which the examinations are to be held each year, the same being notified beforehand. (G. Rs. No. 2917, dated 20th June 1873, and No. 5650, dated 16th November 1870.)

IX.—SALT OFFICERS.

1. The following rules for the examination of officers of the Salt Department are published for general information :—

EXAMINATIONS.]

I.—From the date of the publication of these rules, every officer already appointed to be or to act as an Assistant Collector of Salt Revenue, who shall not have passed the examinations prescribed in paras. 900 and 909 of the Digest of Service Rules, and every officer hereafter appointed to be or to act as an Assistant Collector of Salt Revenue, will be required to pass, at the first examination held not less than six months after the date on which he joined his appointment, an examination in at least one vernacular language of the Presidency (either Marathi, Gujaráti, or Kánarese) and in the following subjects:—

The Indian Penal Code.

The Criminal Procedure Code.

The Salt Acts in force in the Bombay Presidency for the time being.

The Sea Customs Act in force in the Bombay Presidency for the time being.

The Land Customs Acts in force in the Bombay Presidency for the time being.

The Ports and Port Dues Acts in force in the Bombay Presidency for the time being.

Chapters 2, 7, 9 and 10 of the Indian Evidence Act.

II.—This examination will be held at the time and at the place fixed for the half-yearly Departmental Examination of Junior Civilians, and will be conducted by a Committee consisting of the Under Secretary to Government in the Judicial Department, the Oriental Translator to Government, and other members to be from time to time appointed by Government. *The candidate, however, has the option of appearing for examination in the language only before the Sub-Committee for Vernacular Examinations of the Central Committee for Departmental Examinations, at any of its meetings. (G. No 5567, dated 23rd August 1897.)

III.—The examination in the vernacular language will be of the same nature and difficulty as the examination required to be passed by Junior Civilians before their investiture with the lowest magisterial powers. Two papers of questions in the Acts mentioned in Rule I will be set at each examination. The questions in one paper will be taken from the Penal Code and the Salt and the Sea Customs Acts; the other paper will consist of questions from the other Acts specified. The time allowed for each paper will be three hours. 150 marks will be allotted to each paper. No candidate will be considered to have passed who fails to obtain 60 per cent. of the aggregate number of marks for both papers, or 180 marks in all. The questions will have to be answered without the assistance of books. If an

* Government Notification, Revenue Department, No 405-A, 18th January 1898.

officer fails to pass the examination as prescribed in Rule I, he shall be removed from his appointment.

IV. *Every person after having been appointed to be or to act as an Assistant Collector of Salt Revenue shall, within twelve months after the date on which he passed the examination prescribed in Rule I, pass before the Central Departmental Examination Committee at Bombay, an examination according to the Higher Standard test in the vernacular language of the district to which he may have been appointed: provided that if prior to his appointment he shall have passed this examination or one of equal difficulty in the language in question, he shall not be required to pass again in the same language.

V.— If an officer after appointment is removed from a Maráthi to a Gujaráti, or Kánarese district, or *vice versâ*, he shall be required to pass an examination of the nature described in Rule IV in the vernacular language of the district to which he is transferred within one year from the date of his transfer, if prior to his transfer from the district to which he was originally appointed he shall not have passed in the language of that district an examination of the nature prescribed in Rule IV; but if before his removal he shall have passed the examination as directed in Rule IV in the vernacular of the district in which he was first serving, he shall then only be required to pass within one year from the date of his transfer an examination in the vernacular of the district to which he may be moved of a nature similar to that prescribed for Junior Civil Servants before their investiture with the lowest of magisterial powers.

(G. R. No. 2913, dated 25th March 1886.

VI.—If an officer fails to pass within the specified time the examination prescribed in Rules IV and V, he shall be permitted to present himself a second time for examination after the expiration of a further period not exceeding six months; but if within 18 months from the date of his passing the examination prescribed in Rule I, or of his transfer, he shall not have succeeded in passing the above examination, he shall be removed from his appointment.

VII.—In addition to the above-mentioned examination in the vernacular language, every officer, whether in the Military or Uncovenanted Service, appointed to be or to act as Assistant Collector of Salt Revenue shall, within twelve months of the date of his passing the examination prescribed in Rule I, pass an examination in the following Acts (and any others which may

* An officer holding the post of Supernumerary Assistant Collector of Salt Revenue should not be appointed to be or to act as an Assistant Collector until he has passed the Higher Standard Examination (Government Resolution, Revenue Department, No. 120, 10th January 1884).

from time to time be added to the list by Government) :—

The Indian Penal Code and Amending Acts.

The Code of Criminal Procedure in force for the time being.

The Indian Evidence Act.

The Acts relating to salt in the Bombay Presidency.

The Acts relating to Sea and Land Customs in the Bombay Presidency.

The Acts relating to Ports and Port dues in the Bombay Presidency.

The Acts relating to Opium in the Bombay Presidency.

The Acts relating to A'bkári in the Bombay Presidency.

The Acts relating to Registry of Vessels.

The Acts relating to Passenger and Pilgrim Ships.

The Acts relating to Arms and Ammunition.

VIII.—Three papers of questions relating to the above Acts will be set at each examination. The questions in one of these three papers will relate solely to the Penal and Criminal Procedure Codes and those in the second to the Salt and Sea and Land Customs Acts. The questions in the third paper will refer to the other Acts mentioned. 150 marks will be allotted for each paper of questions. No candidate will be considered to have passed who fails to obtain 60 per cent. of the aggregate number of marks for the three papers, or 270 marks in all. The questions will have to be answered without the assistance of books.

IX.—The above examination shall be held in Bombay once in every half year on the date fixed for the Departmental Examination of Junior Civilians, and shall be conducted by the Under Secretary to Government in the Judicial Department, and other* officers to be from time to time appointed by Government by whom the paper of questions shall be prepared, and with whom it shall rest to estimate the merit of the answers, and to decide whether the examinee has passed.

*G. Notn. No. 5567, dated 23rd August 1887.

X.—If an officer fail to pass within the specified time the examination prescribed in Rule VII, he shall be permitted to present himself a second time for examination after the expiration of a further period of six months, but if within eighteen months of the date of his passing the examination prescribed in Rule I he shall not have succeeded in passing the above examination, he shall be removed from his appointment.

XI.—An officer serving as Assistant Collector of Salt Revenue will be considered to be on probation, until he has passed the examinations prescribed in Rules IV and VII, and if within twelve

months from the date of his passing the examination prescribed in Rule I he shall not have passed those examinations, a deduction of 20 per cent. will be made from his salary until he shall have passed both such examinations.

XII.—Officers of the Department drawing salaries of Rs. 100 and upwards may be examined if they obtain leave from the Collector of Salt Revenue to present themselves for examination, and if passed should receive a certificate of qualification.

(G. Ns. dated 7th August 1874 and No. 557, ated 23rd August 1887.)

Note 1.—It should be clearly understood that all officers ppointed to be or to act as Assistant Collectors of Salt evenue are required to pass before the Committee appointed nder Rule 2, or that mentioned in Rule 4 of the Rules for ie examination of officers in the Salt Revenue Department, ie examinations in the vernacular languages prescribed in those ules. The only exception which can be allowed to this general le is that Government may in special cases, and on a special eference to be made in each case, exempt from the liability to ass in a vernacular language before the Committees mentioned the Rules any officer who has prior to his appointment to the alt Revenue Department passed before the Civil and Military xamination Committee an examination according to the Higher tandard tes' in that language. (G. R. (Revenue) No. 337, ated 14th January 18 4).

2. The Commissioner of Salt should keep in his ffice a register of all the officers of the Salt Department and report to Government from time to me the names of such of them as render themselves able to removal from their appointments under ules 6 and 10 of the rules relating to the examinaon of the officers of the Salt Department sanoned by Government Resolution No. 4190, dated th August 1871. (G. M. No. 8702, dated 29th December 1888.)

3. His Excellency the Governor in Council is leased, with the approval of the Government of ndia, to prescribe the following rules for the reruitment and organization of the Salt Department n the Bombay Presidency :—

Rules.

In these rules the appointments of Deputy Collector of Salt Revenue, Assistant Collector of Salt Revenue in charge Coast Guard Service, Assistant Collector of Salt Revenue in charge of Ranges and of the Account office, and Native Assistant to the Collector of Salt Revenue, shall be held to constitute the Salt Department branch of the Bombay Provincial Service. All other appointments in the Salt Department shall be held to constitute the Subordinate Salt Department Service.

2. The Salt Department branch of the Bombay Provincial Service will ordinarily be recruited (*a*) by transfer of officers from other Departments of the Bombay Provincial Service, (*b*) by promotion of officers from the Subordinate Salt Service on the ground of special fitness and merit, and (*c*) by selection by the Governor in Council.

EXAMINATIONS.]

3. The rules for regulating the admission of candidates into the lower grades of the Public Service, published under Notification of Government in the Educational Department, No. 597, dated 4th April 1888, or such rules as may hereafter be made in modification or supersession of them, will ordinarily apply to all first appointments to the Subordinate Salt Department Service. In filling up those appointments, however, candidates who have passed the University Examination for a degree in Science or Arts in such subjects as fit them for work in the Salt Department shall be accorded preference over candidates who have passed the First Examination for the degree of B. Sc. or B.A., and the latter shall be accorded preference over candidates who have merely passed the School Final Examination.

4. The Commissioner shall, however, have the power to appoint to the Preventive branch, on the ground of special qualification for technical duties, persons who may not have satisfied the conditions prescribed in these rules.

5. Every person appointed to the Subordinate Service shall be required to pass at the first Departmental Examination held after he has served for one year in such service in the subjects prescribed for that examination and under rules laid down by the Collecter and approved by the Commissioner.

6. Promotion will be regulated according to seniority or on ground of special fitness as the Collector or Commissioner may deem fit in each case.

7. Every person appointed to the Salt Department branch of the Bombay Provincial Service shall be required to pass the examination prescribed in the rules laid down by Government in their Notification of 7th August 1874, unless he shall have passed similar examination before his appointment.

8. If an officer required to pass the examination under the preceding rule fails to pass within the prescribed time from the date of appointment, he shall be liable to be removed from his office, but it shall be competent to the Governor in Council to extend his period of probation for any further period he deems fit.

9. Every appointment to the Salt Department branch of the Bombay Provincial Service shall be probationary pending the passing of the required examinations and until the Commissioner is satisfied that the officer appointed is in every respect qualified for the post.

Note.—These rules are liable to modification hereafter should it be found necessary to effect any changes in them in order to bring them into accord with any scheme for the constitution of the Bombay Provincial Service which may eventually be adopted.

(G. N. No. 1600, dated 2nd March 1891.)

4. The benefit of Article 317 of the Civil Service Regulations may be extended to officers of the Salt Department, who may be permitted to present themselves at the Lower and Higher Standard Departmental Examinations, provided the conditions of the article are strictly fulfilled. (G. R. No. 5532, dated 16th July 1896.)

X.—POLITICAL OFFICERS.

1. Political Officers appearing for the Lower Standard Departmental Examination should be required to furnish the certificate specified in clause 3 (*b*) of No. 36 of the rules for the examination of Junior Civil Servants and others, which would be granted by the Political Resident or Agent. As inconvenience would be caused if Assistant Political Agents in charge of Prânts and Deputy Assistant Political Agents were to be detached to Rájkot for six weeks for the performance of the duties of Treasury Officer in order to satisfy the conditions of this rule, the Political Agent, Kâthiáwár, may at his discretion exempt them from its operation. (G. Rs. Nos. 2036, dated 28th March 1882, 1875, dated 6th March 1883, and 7719, dated 27th September 1884.)

2. When there are applicants for examination in the Somáli language, the Political Resident at Aden may convene a Board of Examination without reference to Government. The result of the examinations held should in each case be communicated to Government. (G. R., G. D., No. 2240 dated 7th July 1892.)

3. For examinations in Somáli and Suahili, honoraria will be allowed by Government on special applications being made, but they need only be very moderate in amount. (G. R. No. 287, dated 13th January 1897.)

4. The work of setting papers for examination in Arabic according to the Departmental Standards of Political Officers and others serving in Aden and of examining answers thereto is entrusted to the Civil and Military Examination Committee, the *vivâ voce* portion being conducted at Aden. (G. R. No. 8241 dated 23rd October 1895.)

XI.—EDUCATIONAL OFFICERS.

1. It is imperative upon all Europeans appointed to the Educational Department to pass within a given period an examination which shall prove that they possess a sufficient colloquial knowledge of the vernacular language of the district in which they are employed, failing which their services will be dispensed with. The pecuniary rewards should only be given for highly distinguished acquirements in the native languages. Ordinary colloquial acquaintance with them is indispensably necessary to the efficient performance of their duties by those who are employed in the Department of Education, and must be insisted upon by Government. (S. of S. No. 29,

dated 22nd December 1859; *vide* G. I., H. D., No. 299, dated 14th February 1860.)

2. The foregoing orders of the Secretary of State should be held applicable to persons employed in the districts as Inspectors, Deputy Inspectors and school teachers. For appointments under these heads a sufficient colloquial knowledge of one vernacular language (to be prescribed in each case by the Director of Public Instruction) within a year should be required and in default a reduction of salary equal to 25 per cent. should be made until passing. Unpassed men of two years' standing will be liable to dismissal. The Director of Public Instruction should for this purpose constitute an Examination Committee from time to time as required, not necessarily at the Presidency, but wherever may be most convenient. The examination should cause no expense to Government. (G. R., G. D., No. 509, dated 15 March 1860.)

3. In supersession of Government Notification dated the 8th April 1873, His Excellency the Governor in Council is pleased, with reference to the despatch of the Secretary of State for India, No. 29, of December 22nd, 1859, to issue the following amended Rules for the examination of European educational officers in the vernacular and classical languages of India:—

I.—Obligatory Examination in the Vernacular.

1. The standard for the Examination of European educational officers in the vernacular is the higher standard.*

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* In the Financial Despatch of the Government of India to Her Majesty's Secretary of State, No. 269, dated 9th August 1875, it was recommended that the first increase of pay to an educational officer should be given from the date on which he passes the prescribed examination, viz., the higher standard, whether that examination was passed before or after the completion of the first year of service, provided that the first increment alone should be affected by this order, the subsequent increments being given as they would be given under the ordinary rules.

"2. The Secretary of State approved of this recommendation in his despatch of the 14th October 1875, which was forwarded to 'Local Governments and Administrations' under Financial Department endorsement No. 214 of 14th January last.

"3. Subsequently it appeared that in Bombay, Oudh, the Central Provinces and British Burma the prescribed examination for educational officers was not the 'higher standard' but a special one.

"4. Enquiry was therefore made from these Governments as to the exact nature of the examination in their respective territories, and the standards of the special vernacular examinations in force.

"5. The replies of the various authorities consulted have been received, and the Government of India are of opinion that there will be no great difficulty in reducing these special examinations prospectively to a common standard, and that this standard should for the sake of uniformity, which is desirable in such matters, be the 'higher standard'. The orders of the Secretary of State can then be carried out. The Province of British-Burma, however, stands on a special footing, and for the present the Government of India do not desire to disturb existing arrangements in that province."

(G. I., H. D. (Edl.), No. 2 and 1-3, dated 12th January 1877; *vide* G. R., Edl. Dept., No. 63, dated 23rd idem.)

2. Every European who is appointed after the publication of these Rules to be Principal or Professor in a College, or Head Master or Master of a School, or to act in any of the above named appointments, is required to pass an examination in Urdu according to the abovementioned standard, for which purpose he is required to present himself at the first examination held by the Civil and Military Examination Committee after the expiry of 18 months from his arrival in India or from his appointment if appointed in India. If he fail to pass at such first examination he shall again present himself at the first examination held by the said Committee after the completion of one year from the examination in which he failed to pass, and if he shall fail a second time at such further examination he shall be liable to be discharged from the Educational Service of Government.

Exception.

European Head Masters and Masters of Schools may by special permission pass in the vernacular of the district in which they are serving instead of in Urdu.

3. European Inspectors and Assistant Inspectors and others appointed to act as such are required to pass according to Rule 2 both in Urdu and in the vernacular of the division to which they are appointed, except that the Inspector, Southern Division, is to pass in Maráthi and Kánarese instead of in Urdu and Kánarese, and the Inspector in Sind in Persian and Sindhi instead of in Urdu and Sindhi.

4. No European Officer will be an Educational Inspector unless he has passed either in Urdu or in the vernacular of the division of which he is appointed. Every Inspector is required to pass in the other language prescribed for his division 18 months after appointment. Any similar examination previously passed in one of the required languages according to the rules of their service by a Covenanted Civil Servant or Officer of the Army who is to be appointed Inspector will be accepted as sufficient in the sense of these rules.

5. The obligatory examination is a pass examination only. No rewards or certificates will be given.

II.—Voluntary Examination in an Indian Vernacular or Classical language.

1. To encourage the advanced study of the vernacular and classical languages of India, His Excellency in Council is pleased to order that the rules on the subject laid down for Junior Members of the Covenanted Civil Service by the Resolution, General Department, of July 17th, 1868 (printed in the *Government Gazette* of 1868, page 682), shall, with the limitation imposed below in Rule 7, be applicable to European Officers of the Educational Department educated in Europe and

holding appointments not lower in rank than that of Head Master of a High School.

2. But Educational Officers are eligible for the examination in *I. High Proficiency* only. There will be no examination for them in *II. Honours*, and no Educational Officer will be permitted to receive rewards in more than two languages.

(G. R., G. D., No. 2099, dated 17th June 1873, and G. I., H. D., No. 2, dated 12th January 1877; *vide* G. R., E. D., No. 63, dated 23rd idem.)

4. The notifications regarding the passing by Educational Officers of examinations conducted by the Civil and Military Examination Committee may be published by the Educational Department. (G. R., G. D., No. 2115, dated 9th August 1879.)

5. Any European lady employed as Mistress or Head Mistress in a Government Normal School who passes the Higher Standard Examination in a native language may be granted a reward of Rs. 500. (G. I., H. D., No. 376, dated 9th November 1880; *vide* G. R., E. D., No. 1515, dated 20th idem, and G. M., G. D., No. 3553, dated 24th idem.)

6. The proficiency tests for the examination of Educational Officers in the Oriental languages should be assimilated in all respects to those prescribed for the examination of Covenanted Civilians by the High Proficiency Standard. The present scale of rewards assigned to Educational Officers for successfully passing these examinations should be adhered to. It is not intended by the foregoing orders to alter the rule whereby no educational officer is permitted to receive rewards for passing in more than two Oriental languages. (G. I., H. D., Nos. 1-56, dated 7th June 1882, and 1-86, dated 26th September 1882; *vide* G. Rs., E. D., Nos. 1017, dated 23rd June 1882, and 1773, dated 9th October 1882, and G. Ms., G. D., Nos. 2441, dated 29th June 1882, and 4113, dated 16th October 1882.)

XII.—MILITARY OFFICERS AND CHAPLAINS.

1. The following rules are applicable to the three Presidencies, and took effect from the 1st February 1865:—

I.—There will be two standards of qualification in the Hindustáni language,—the *first* to be in the place of the examination now commonly called the *Colloquial* Examination, and of the examinations for the command of troops and companies, in regiments under the old organization, and for a medical charge; and the *second* to be in the place of the examinations now called the P. H. Staff, Adjutants', Interpreters', and all similar examinations in the three Presidencies; but all Officers who have passed these latter examinations, or who may pass them before the 1st February next, will be eligible for the Staff Corps or for ordinary staff employment without further examination.

First Standard.

II.—The object of the *First* Standard is to ensure that officers passing it shall have acquired such a knowledge of the Hindustáni language as shall enable them efficiently to discharge their military or professional duties when serving with native troops.

III.—To this end, candidates will be tested as to their ability to read and translate passages from easy Hindustáni books, written in the Persian and *Deva Nágari* characters; and to speak on and interpret common or professional subjects, so as to understand, and to be understood by, any ordinary uneducated native of India.

Tests.

IV.—*First.*—Reading fairly, and construing with accuracy, not less than half of an octavo page of the undermentioned works:—

1. "Hindustáni Selections" in the Persian character.
2. "Hindustani Selections" in the *Deva Nagari* character.

Second.—Conversing with the Examiners, or with natives of India, on subjects likely to occur in the performance of regimental or professional duty, in the transaction of ordinary business, or in the course of every-day life.

If this test be applied through the medium of a native of India, he should speak the plain Hindustáni of the Presidency or Province in which the examination is held, free from peculiarities of idiom and dialect, and not a *patois*,—and though, as regards the performance of professional duties, it must, to a certain extent, be technical in its nature; if, in other respects, the candidate prove his ability to comprehend readily all that is said to him, and to make himself fairly intelligible, more should not be required.

Second Standard.

V.—The object of the *Second* Standard is to insure that officers passing it shall have acquired such a knowledge of the Hindustáni language as shall qualify them, so far as that language is concerned, for general employment on the staff, and for admission to the Staff Corps.

VI.—To this end, candidates will be tested as to their ability,—1st, to read and construe passages in books of ordinary difficulty in *Urdu* and *Hindi*; 2nd, to make accurate and idiomatic written translations from English into Hindustáni in both the Persian and *Deva Nágari* characters; 3rd, to read and translate petitions, native letters &c., in *Urdu* and *Hindi*; 4th, to converse with educated or uneducated natives of India.

Tests.

First.—Reading fluently, and construing with readiness and accuracy, not less than an ordinary octavo page of the undermentioned works:—

1. The *Bágh-o-Bahár.*
2. Selections from the prose of the *Prem Sagar.*

Second.—Translating accurately, and with correctness of idiom and grammar, not less than half an ordinary octavo page of plain English into language similar to that of the Bágh-o-Bahár, in the Persian character, and an equal amount, in the *Deva Nágari* character, into language similar to that of the Prem Sagar.

Third.—Reading fairly, and translating readily and correctly, Hindustáni manuscripts, written in both the Persian and *Deva Nágari* characters.

These MSS. may be selected from the proceedings of a case in Court, from reports or petitions addressed to Civil or Military Authorities, from letters passing between natives of India in the ordinary course of business, or from private correspondence. They should not be written with the clearness of a printed book, nor yet in a very cramped or crabbed hand, but in such a manner as fairly and honestly to represent the written characters as practically employed in the Presidency or Province in which the examination is held.

Fourth.—Conversing with the Examiners or with natives of India with fluency, and with such correctness of pronunciation, grammar, and idiom as to be at once intelligible.

VII.—Every candidate passing an examination by the *First* Standard in Hindustáni, will be entitled to receive an allowance of Rs. 180; and on passing by the *Second* Standard an allowance of Rs. 180 additional or, in the case of an officer passing at once by the *Second* Standard, Rs. 360.

(General Order by the Government of India, dated 9th September 1864, No. 734; *vide* G. N., G. D., dated 21st December 1864.)

2. As Hindustáni is not the language of any Court in the Bombay Presidency and it is not possible to obtain the loan of private correspondence between the natives of India, the Civil and Military Examination Committee should follow the practice of preparing manuscripts for the occasion for the purposes of paragraph 2, clause 3 of No. VI of the rules published under Government Notification, General Department, dated 21st December 1864. (G. R., G. D., No. 171, dated 1st February 1865).

3. The rules published in the General Order by the Government of India, No. 734, dated 9th September 1864, are applicable to the Uncovenanted Servants of Government and the Medical Officers also. G R., G. D., No. 171, dated 1st February 1865, and otification of the same date.)

4. An officer in military employ should receive his medal and pecuniary reward admissible to him for passing an examination for the Degree of Honour from the Military Department of the Presidency in which he may be serving, and those in civil employ from the Civil Department. (G. I., M. D., No. 927, dated 29th July 1873; *vide* G. R., G. D., No. 3099, dated 4th September 1873.)

5. Military officers of longer service than ten years when employed in civil duties may, on passing in the vernacular language of their districts within two years from the date of appointment, receive the pecuniary reward attached to the Higher Standard Examination by No. X* of the Rules of 9th September 1864. (G. I., H. D., No. 120, dated 16th October 1876; *vide* G. R., G. D., No. 3399, dated 31st idem.)

6. The additional exercise of *vivâ voce* or *ex-tempore* translation of the proceedings of a Court Martial, General Order, or Military Regulation ordered to be introduced into the colloquial portion of the Hindustáni Higher Standard test by Government Resolutions, Military Department, Nos. 6090, dated 22nd October 1880, and 6548, dated 12th November 1880, is not required in the case of civil officers or of any candidates excepting military officers. The maximum value of this additional exercise should be fixed at 60 marks. (G. R., G. D., No. 390, dated 1st February 1881; and G. R., M. D., No. 831, dated 11th February 1881; *vide* G. M., G. D., No. 552, dated 16th idem.)

7. It being desirable to encourage Chaplains equally with officers to pass examinations in the vernacular languages of the Province in which they are employed, the rules for the examination of military officers in Oriental languages are extended to Chaplains throughout India. (G. I., H. D., No. 66—559, dated 24th September 1868.)

XIII.—MEDICAL AND RAILWAY OFFICERS.

1. Under the authority of the Government of India it is hereby notified, for general information, that every medical officer in civil employ who may pass in the vernacular of the district in which he is employed will be entitled to a donation of Rs. 200, and should he pass the examination† prescribed in Sections VIII to X of G. G. O. No. 734 of 1864, he will be entitled to the donation of Rs. 500. (G. R., G. D., No. 189, dated 26th January 1869; *vide* G. N., G. D., of the same date.)

† That is, the Higher Standard Examination prescribed in clause 118 of Army Circulars, India, of 1880.

2. The donation admissible to medical officers in civil employ under the foregoing orders should be paid in the Civil Department. (G. R., F. D.,

* Superseded by the rules for the encouragement of the study of Oriental languages and for conducting examinations prescribed in Clause 118 of Army Circulars, India, of 1880.

No. 849, dated 28th March 1872; *vide* G. M., G. D., No. 1449, dated 30th idem.)

3. All medical officers who are applicants for employment in the Civil Branch of the Medical Department, are required to be qualified in the Hindustáni language at least according to the Lower Standard, and should the necessities of the service require an unpassed officer to be placed in a civil medical charge, such officer will only be considered as temporarily employed.

With reference to Notification in the General Department dated 26th January 1869, published at page 66 of the *Government Gazette*, the examination of medical officers in civil employ for the reward of Rs. 200 for passing in the vernacular of the district shall be according to the following tests:—

1. Conversing with natives in the presence of the Examiners on subjects likely to occur in the course of professional duty, and in the business of every-day life.
2. Ability to read a simple letter, or petition, and to understand letters or petitions when read out, and to dictate short replies.

(G. N., G. D., dated 10th January 1870.)

4. It is left to the option of European medical officers serving in the Sanitary Department to pass or not to pass an examination in the vernacular language of their circle or division.

The rules prescribed in Government Notifications, General Department, dated 26th January 1869, and 10th January 1870, for the examination of medical officers in civil employ, should be the test according to which Deputy Sanitary Commissioners who desire to pass in the vernacular should be examined. (G. R., G. D., No. 1787, dated 25th June 1880.)

5. The G. I. P. Railway officers and employés may be permitted to appear before the Civil and Military Examination Committee in Bombay at the usual dates of meeting, and examined in Maráthi and Hindustáni according to the standard prescribed by the Company. Not more than ten candidates can conveniently be examined at each meeting, and their names should be submitted to the Secretary of the Examination Committee through the Railway Department, one month beforehand. (G. R., G. D., No. 2024, dated 20th July 1874.)

6. Railway employés desiring to pass in Hindustáni or a vernacular language should appear before the Civil and Military Examination Committee in Bombay. If they do so appear, the Company in whose service they are, should be required to pay fees at the rates mentioned in the margin, which are the rates allowed to the Examiners. (G. R., G. D., No. 1771, dated 5th May 1890.)

Rs. 15 for examination in Hindustáni according to the Railway Standard.
Rs. 20 for examination in other languages.

XIV.—THE CIVIL AND MILITARY EXAMINATION COMMITTEE.*

1. An office allowance of Rs. 19 per mensem (*viz.*, Rs. 10 for a clerk and Rs. 9 for a peon) is sanctioned for the Civil and Military Examination Committee. The Committee is authorized to arrange with some clerk in one of the Government offices in the Secretariat building, with the permission of his immediate superior, to perform its clerical work before and after office hours. (G. R., F. D., No. 3359, dated 12th September 1881, and G. R., G. D., No. 3386, dated 11th October 1881.)

2. The Civil and Military Examination Committee meets on the first Monday in every month to conduct examinations according to the Lower, Higher, High Proficiency and Degree of Honour Standards. It also holds special meetings whenever directed to do so, either by His Excellency the Governor or the Commander-in-Chief, for the examination of any candidate or candidates who cannot attend during the regular monthly sittings. (G. N., G. D., No. 2925, dated 18th August 1891.)

3. When selecting examination papers to send to outstations, no persons but members of the Committee should be present. The papers should be sealed up by the Committee and the packet posted by one of their number. (G. R., G. D., No. 3081, dated 9th October 1878.)

4. The Superintendent, Government Central Press, is authorized to execute the following printing work for the Civil and Military Examination Committee :—

(1) printing and supplying copies of question papers to be set at the quarterly examinations ;

(2) printing and supplying copies of the blank form of Examiners' report given in Appendix A to clause 177, India Army Circulars, for the year 1888.

The form of report should be printed as a standard form, and copies of it supplied to the Secretary, Civil and Military Examination Committee, according to his indent. (G. R., G. D., No. 1381, dated 6th April 1889.)

5. Resort should be had sparingly to the services of assessors or munshis, and more especially munshis should not be employed on days on which only paper work is done by the examinees. The President of the Civil and Military Examination Committee should only allow assessors or munshis to be called in when their services are actually indispensable. The fee payable to a munshi or assessor in any language or for any examination should be fixed at Rs. 3 for every day on which he attends a meeting of the Committee.

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* The subject of examinations by this Committee was dealt with by the General Department up to the end of February 1893

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Fees* according to the following scale should be paid to the Committee for each candidate examined :—

	Rs.
(*a*) According to the Lower Standard, Colloquial, Railway or Revenue Survey Standard	20
(*b*) According to the Higher Standard and Sind tests	30
(*c*) According to the High Proficiency Standard	90
(*d*) According to the Degree of Honour test.	150

For each candidate examined in Urdu or Hindustáni, fees according to the following scale should be paid to the Committee :—

	Rs.
(*a*) According to the Lower Standard, Colloquial, Railway or Revenue Survey Standard	15
(*b*) According to the Higher Standard and Sind tests	22½
(*c*) According to the High Proficiency Standard	67½
(*d*) According to the Degree of Honour test.	112½

The President and Secretary should be present at examinations in all languages, but the other members of the Committee should only be present at examinations in languages in which, from their knowledge of the language, they are competent to examine.

It is left optional with the members of the Committee whether all or only some of them should attend, the amount of the fees payable to each being regulated by the number of his attendances. (G. Rs., G. D., Nos. 5111, dated 23rd December 1882, 921, dated 15th March 1883, 716, dated 1st March 1884, and 3298, dated 9th September 1884.)

6. All military candidates for examination according to the new Lower Standard in Hindustáni will appear before Local Committees. The functions of the Central, Civil and Military Examination Committee in Bombay will, therefore, be limited

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* The following suggestions were made by the Government of India in their letter No. 1500, dated 25th September 1882; and this Government in their Resolution No. 5111, dated 23rd December 1882 observed that due attention would be paid to these suggestions :—

"The Government of India can only approve of the payment of fees on the understanding that the (Civil and Military Examination) Committee is a genuine working body, every member of which is fully qualified as an Examiner. From this point of view I am to suggest, for the consideration of the Bombay Government, that the members of the Committee should in future be chosen solely on account of their linguistic attainments, and should ordinarily not be Government servants, it being probably sufficient if the President and Secretary only are in the service of Government. The President might indeed be merely an honorary officer, as the President of the Board of Examiners is in Calcutta, the Secretary receiving a moderate fixed remuneration for carrying on the routine work of the Committee. The Examiners might then be appointed as required from among qualified non-official persons and be paid by fees for the actual work done by them."

to setting certain papers and examining and marking one written translation. All the oral examinations will be conducted by the Local Committees. Military candidates for examination according to the new Higher Standard will in the majority of cases appear for examination before the Civil and Military Examination Committee in Bombay.

In the case of military candidates, whether for the new Higher or the new Lower Standard, appearing for examination before Local Committees, the fee payable to the Civil and Military Examination Committee should be fixed at Rs. 7½ per candidate. In the case of military candidates appearing for examination according to the new Higher Standard test before the Civil and Military Examination Committee, the fee per candidate allowed to that Committee should be Rs. 22½.

In the case of non-military candidates and of military candidates for any examination other than the new Lower Standard and new Higher Standard in Hindustáni, the existing scale of fees payable to the Civil and Military Examination Committee should be continued as such examinations will be held in future, as now, before that Committee and the nature of the examination remains unchanged.

(G. R., G. D., No. 4534, dated 31st October 1889.)

7. Special Examination Committees at outstations in connection with the examinations conducted by the Civil and Military Examination Committee are to be allowed in exceptional cases only. The Special Committees should be guided by the following rules:—

On the day appointed, when the Committee meets, it should open the sealed packet, and submit to the candidates the exercises to be executed by them in its presence, allowing them such reasonable time for the performance of the exercises as may be deemed necessary.

The candidates must not be allowed the use of a Dictionary or other book, nor should they be allowed to hold communication with each other, or any munshi or other persons. The Committee should receive the translations from the candidates, marking on each the time taken to perform it, and forward them to the Presidency Committee by the same day's dawk, duly attested by a certificate signed by the Committee jointly, to the following effect:—

"We do hereby certify that these translations from the vernacular language into English (or *vice versâ* as the case may be) were executed in our presence between the hours of and , without aid or assistance from ourselves, or from any munshi, or other person, and without a Dictionary or other book."

The Committee should also hear the candidates converse with natives in the language form-

ing the subject of examination, and report, in detail, the degree of fluency and correctness of pronunciation displayed by them. It should also insert in the proper columns of the printed form its judgment of the candidate's qualifications in such terms as good, fair, middling or bad in these two points only.

(G. Rs. Nos. 153, dated 20th March 1865, and 878, dated 19th May 1865.)

8. The practice of sending out on more than one occasion the same piece for translation is so obviously objectionable that it should never be adopted. (G. L., G. D., No. 1118, dated 22nd June 1865).

9. The Committee at Karachi for examination in Beluchi and Sindhi should be paid fees for each candidate examined at the rates shown in the margin. The carriage allowance of Rs. 3 per diem granted to native members of the Committee should be discontinued. (S. of S. No. 119 Finl., dated 26th June 1890; *vide* G. R., G. D., No. 3122, dated 26th August 1890)

	Rs.
Lower Standard Colloquial, Railway or Revenue Survey standard ...	15
Higher Standard and Sind tests	20
High Proficiency test ...	50

10. The Governor in Council does not desire to hamper the discretion of the Board of Examiners to whom it must be left to decide what pieces should be set for translation and what should be the difficulty of such pieces. It is, however, desirable that the Civil and Military Examination Committee, without absolutely restricting themselves to such works, should, when selecting passages from English for translation into Urdu, give a preference to passages taken from modern military historical books, such as those by Kaye and Malleson, the subject-matter of the passages being akin to the topics on which an officer is called on to express himself in the discharge of his duties and in intercourse with his subordinates and the people. (G. R., G. D., No. 2989, dated 29th July 1890.)

11. Permission to appear before the Civil and Military Examination Committee may be granted to subordinate officers by the heads of Departments. (G. R., G. D., No. 2711, dated 9th July 1872, and G. M., G. D., No. 2810 dated 17th idem.)

12. Mere application for leave to attend an examination, even if granted, should not be reckoned as appearance at the examination, but when a Covenanted Civilian who has been granted permission to appear for examination does not purpose to avail himself of such permission, he should intimate his change of mind to the Civil and Military Examination Committee at least ten days before the date of examination so as to save unnecessary trouble to the Examiners. (G. R., G. D., No. 2050, dated 3rd June 1885.)

13. When any candidate is required to pay the prescribed fee for his examination by the Civil and Military Examination Committee, he should pay it to the Accountant General and present his receipt for it to the Committee as authority for his examination. (G. R., G. D., No. 3817, dated 27th October 1886.)

14. In the case of candidates who fail to pass by the Lower Standard and Higher Standard tests at any examination held by the Civil and Military Examination Committee, it is left to the discretion of the Committee as to when they should be permitted to present themselves for re-examination (*i. e.*, whether after one month's or two or more months' further study, the Committee taking into consideration the qualification of such candidates at the time of their failure). Candidates who fail to pass by the High Proficiency and Degree of Honour tests should not be re-examined until the expiration of three months from the date of failure. (G. R., G. D., No. 2925, dated 18th August 1891.)

XV.—SUB-SERVICE DEPARTMENTAL EXAMINATION.

1. The Right Honourable the Governor in Council is pleased to order the publication of the following amended rules for the examination of subordinate establishments of Government in the Revenue, Magisterial and Police Departments in substitution of those embodied in Government Resolution No. 4475, dated 18th October 1869, and published at page 1180 of the *Government Gazette* of the 21st idem :—

G. R. No. 4837, dated 25th August 1875.

An examination will be held annually on the second Wednesday in September, at the Sadar Station of each Collectorate, by a Committee composed of the Collector and Magistrate, his First Assistant and the Huzúr Deputy. In the absence of a First Assistant, his place may be taken by any other Assistant, who shall have passed the second or higher departmental examination.

2. All appointments are to be probationary till this examination has been passed. A probationer shall be bound to appear at the examination to be held next after the expiration of his first year of probationary service. In case of failure he shall be removed from office, but may be permitted to appear at the examination next following, and, if found qualified, may be re-appointed on the occurrence of a suitable vacancy, at the discretion of the officer with whom the nomination rests.

3. The examination shall be of two kinds, written and oral. For the first, questions will be framed on the following subjects, which are classed under separate heads, with a scale of marks to be awarded according to the degree of proficiency under each head :—

I.—Revenue matters.
II.—Magisterial and Police.
III.—Miscellaneous.

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4. The questions under the first head will be prepared by the Revenue Secretary to Government, and those under the second head by the Judicial Secretary to Government, and they will be transmitted under seal to the Collector and Magistrate as President of the Committee of Examination, but the adjudication on the answers shall rest entirely with the Local Committee.

5. Under the head "Revenue matters," the questions shall be to test knowledge in the following Acts and Regulations:—

G. N. dated 21st January 1873.	Act I of 1871.
G. N, dated 15th August 1877.	Act III of 1876, Bombay.
	Act I of 1865*, Bombay (Sections 37 and 38)
G. N. No. 533, dated 26th January 1881.	Act V of 1879, Bombay

6. Under the head "Magisterial and Police," the questions shall be to test knowledge in the following:—

	Chapters IV, V, VI, VII, IX, XIII, XIV, XVI, XVII, XXXIX, and XLIII, and Chapter XLVI, Section 550 of Act X of 1882.
G. N, No. 1633, dated 27th February 1883.	
	Chapter IX of Act XLV of 1860.
G. N. dated 25th July 1870.	The District and Village Police Acts VII and VIII of 1867.

7. Under the head "Miscellaneous," the questions shall be prepared by the President of the Examination Committee, and shall be of a character which will test knowledge in the táluka and village accounts. The examinees will also be required to write in the language of the district an account or précis of a revenue case. For the English Department, such account is to be written in English instead of in the vernacular.

8. The number of questions in each of the papers is to be limited to eight, and the time for disposing of each paper is to be limited to two hours.

9. The oral examination will succeed the written papers, and will embrace the system of revenue survey and settlement, including the revised rules, and such general questions connected with the current rules and practice as the Committee may consider suitable. For the English Department the oral examination will include the method of conducting official correspondence, and keeping the records.

The names of the successful candidates will be placed in order of merit, according to the total number of the marks obtained by them. The

* Act I of 1865, except Sections 37 and 38, was repealed by the Land Revenue Code. Act I of 1880 (The Khoti Settlement

maximum number of marks assignable for each of the papers will be 200, and the same for the oral examination, making a maximum of 800 marks in all.

An examinee must, in order to pass, obtain 25 per cent. of the number of marks in each subject, and 50 per cent. of the total aggregate number of marks attainable.

G. N. No. 2157, dated 13th April 1881.

These rules do not interfere with the standing orders for examination to test fitness for the office of a Sub-Magistrate to which an officer will still be liable before he can be invested with Magisterial powers.

(G. N., dated 22nd June 1870.)

2. Talátis and stipendiary servants should be examined at the Sub-Service Examinations in the rules and orders regarding boundary marks. (G. R. No. 4340, dated 29th July 1873).

3. An answer paper should be furnished to the Collectors along with the Revenue and Judicial questions sent to them for the Sub-Service Departmental Examination.

The Superintendent, Government Central Press, in transmitting the question papers to the Collectors should cause the English and vernacular papers of Revenue questions to be put in one cover, and the same should be done with the Judicial papers. A very small conventional and confidential mark can distinguish the covers.

(G. R. No. 7063, dated 14th October 1887.)

4. The following rules are prescribed for the conduct of the examinations of subordinate establishments in the Revenue, Magisterial and Police Departments, throughout the Presidency :—

(*a*) The examinations shall commence daily at 11 A. M. (Madras time).

(*b*) Only one question paper shall be set each day.

(*c*) The question papers should be issued in the following order :—

First day—Paper on Magisterial and Police matters; *2nd day*—Paper on Revenue matters; *3rd day*—Paper on Miscellaneous matters; and

(*d*) Only one question paper shall be opened at a time.

(G. R. No. 6074, dated 22nd August 1893.)

5. Treasurers are exempted from the operation of the rules for the examination of subordinates in the Revenue, Magisterial and Police Departments. (G. R. No. 1397, dated 15th March 1870.)

Act) repeals Sections 37 and 38 of Act I of 1865 so far as they apply to any village to which the former Act extends or may hereafter be extended.

6. All members of the subordinate service appointed since the 12th September 1866 under any of the old tests inferior in standard to the Subordinate Departmental Examination (such as the old examinations by Collector's Committees) must pass that examination. (G. Rs. Nos. 6029, dated 7th December 1870, and 1936, dated April 1871.)

7. No exemption from the Sub-Service Departmental Examination can be permitted. The test prescribed is of a very elementary character. It is especially desirable that clerks in the Account branch of a Collector's office should have some knowledge of the laws which regulate the revenue administration; and every public servant ought to be acquainted with those four chapters of the Codes which are specified in the examination rules. (G. R. No. 2406, dated 19th May 1871.)

8. Persons who would have been exempt from the examination if there had been no break in their service should not be re-examined if re-employed within a year.

Watandars, such as Majmudárs, &c., who were appointed stipendiary Karkúns on the settlement of their watans, should be exempt. (G. R. No. 2554, dated 29th May 1871.)

9. Passing the Sub-Magistrate's Examination will not exempt from liability to pass the Subordinate Departmental Examination. (G. R. No. 3457, dated 17th July 1871.)

10. Huzúr Shroffs are exempted from passing the education test and Sub-Departmental Examination, on the understanding that if they do not pass these examinations they will not be eligible for promotion in any line, and during their service will remain Shroffs. (G. R. No. 6101, dated 14th November 1879.)

11. If any duly qualified candidate, who is appointed probationer, has been acting continuously previous to such appointment, the period during which he has so acted should be counted as part of the year at the expiration of which he becomes liable to pass the Sub-Service Examination. This rule is to be worked with as much consideration as possible. (G. R. No. 5523, dated 4th October 1873.)

12. A probationer in the Revenue Department who has not passed the Sub-Departmental Examination is not required to pass that examination in order to make himself eligible to be confirmed in his appointment if he has already passed the Special Lower or Higher Standard Examination. (G. R. No. 4705, dated 7th September 1880.)

13. Clerks and Karkúns of the Local Fund and Registration Departments and subordinates of the Survey Department as well as the employés of other Departments may, if they wish it, be allowed to appear at the Sub-Service Departmental Examination. (G. Rs. Nos. 865, dated 21st February 1871,

2554, dated 29th May 1871, 3352, dated 12th July 1871, 2717, dated 29th May 1874, and 3664, dated 15th July 1874.)

14. No one is to be permitted to appear before the Sub-Service Departmental Examination Committee who has not passed the educational test, or obtained a certificate under the old rules. (G. R. No. 4479, dated 20th August 1874.)

15. In the case of those districts in which the number of candidates who have already passed the Sub-Service Departmental Examination is considerably in excess of the number of appointments likely to be available, it is left to the Collector's discretion to refuse admission to the examination to men from other Departments. (G. R. No. 6466, dated 30th August 1883.)

16. The Subordinate Public Service Examination is only for persons actually employed in the service of Government, and candidates other than those should not be allowed to present themselves for examination. But servants of Native States desirous of appearing for examination at the Departmental Examination of Subordinate Establishments of Government held annually at the Sadar Station of each Collectorate may be allowed to do so; but as a guarantee that a candidate is a fit person to appear for examination he should be required to produce a certificate from the Political Officer of the State to which he belongs showing that he is in the service of that State and that he bears a good character.

The above concession is also extended under similar conditions to candidates serving in the Abkári and Registration Departments of Native States as regards the Government Abkári and Registration Departmental Examinations.

(G. Rs. Nos. 6682, dated 8th November 1871, 4025, dated 12th July 1881, and 7392, dated 29th October 1887.)

17. The orders in force in the Regulation Districts on the subject of permitting candidates to appear for the Abkári and Registration Departmental Examinations are applicable to candidates for these examinations from the Sávantvádi State. (G. R. No. 3116, dated 17th May 1888.)

18. Candidates in possession of certificates formerly granted by the College of Science, Poona, may be admitted to the public service without being required to pass the educational test. They must, however, pass the departmental examination prescribed for the subordinate establishments of Government after having served a year of probation. (G. R. No. 1825, dated 17th March 1882.)

19. Candidates for employment in the Subordinate Revenue Department should be examined in the rules and orders regarding the examination of boundary marks. (G. R. No. 3367, dated 13th June 1873.)

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20. The Commissioners may pass orders without referring to Government in cases of applications from Kárkuns who, on failing to pass the Sub-Service Examination, apply on special grounds to be allowed to continue in service and to appear for the examination again. (G. R. No. 109, dated 8th January 1879.)

21. The surplus copies of question papers set at the examinations of subordinate establishments are not to be distributed either gratis or on payment, but should be destroyed. (G. R. No. 6013, dated 15th November 1880.)

22. Although under No. 8 of the Rules for the examination of Subordinate Establishments of Government in the Revenue, Magisterial and Police Departments, the question paper is to be limited to eight questions, it is not essentially necessary that there should be as many as eight questions. Two hundred marks may be allotted to each paper, which should consist of not more than eight questions, and marks given for several questions should be in proportion to their relative difficulty. (G. R. No. 2011, dated 17th March 1894.)

XVI.—REWARDS.

1. European officers in the Survey Department of rank not lower than Supernumerary Assistant Superintendent, in the Police Department of rank not lower than Assistant Superintendent, in the Customs and Salt Departments of rank not lower than Assistant Collector, and in the Forest Department of rank not lower than Assistant Conservator, will on their passing in the Hindustáni language according to the Lower Standard be entitled to a Munshi allowance Rs. 180, and a reward of Rs. 360 will be awarded to those who may pass the Higher Standard at once.

Acting Assistant Collectors of Customs should be held eligible for these allowances. They hold a position analogous to that of Supernumerary Assistant Superintendent of Survey, and should be treated as such. (G. N., G. D., dated 11th March 1868; G. Rs., E. D., Nos. 1728, dated 23rd June 1874, and 1225, dated 27th June 1868; G. M., G. D., No. 1183, dated 5th August 1868; G. R. No. 2001, dated 28th March 1877, and G. R., F. D., No. 3722, dated 19th October 1880.)

2. A reward of Rs. 500 may be granted to officers not below the grade of

Supernumerary Assistant Superintendent of Survey,

Assistant Superintendent of Police,

Assistant Commissioner of Customs,

if they pass by the Higher Standard in the vernacular (not being Hindustáni) of the district in which they may be employed within five years of their entering Government service or within

five years of coming for the first time into a part of the Presidency where the vernacular in question is spoken. This reward is, however, only to be granted for passing in languages, other than Hindustáni; it should not be given in any case where passing in the particular language is compulsory; and the Higher Standard required from the candidates should in all cases be the Higher Standard laid down for the departmental examination of Covenantel Civilians and not the Higher Standard as fixed for military officers by the orders of the Government of India dated 9th September 1864. (G. I., H. R. & A., No. 65, dated 17th September 1879; *vide* G. R. No. 5121, dated 9th October 1879.)

Note.—These orders do not apply to Hindustáni, and do not affect former rules for the grant of rewards for passing in that language. The officers to whom the offer of rewards has been extended under these orders cannot claim rewards for passing in languages which it is compulsory on them to pass. (G. R, F. D., No. 3722, dated 19th October 1880.)

3. The rewards referred to in the foregoing order should be granted, subject to the conditions prescribed in the letter from the Government of India, No. 65, dated 17th September 1879, to Assistant Collectors of Salt Revenue, and they should be allowed to Assistant Collectors who were not, as well as to those who were, in the Customs Department before that Department was separated from the Salt Department. (G. R. No. 6489, dated 9th December 1880.)

4. An *officer of the Indian Civil Service who passes in a third compulsory language will be entitled to a reward of Rs. 500, provided he passes within one year from the date of his becoming liable to pass in that language. In the Bombay Presidency the compulsory languages are Urdu, Sindhi, Gujaráti, Maráthi and Kánarese. Officers employed in Sind will be entitled to a reward of Rs. 1,000 for passing in Beluchi, Persian or Pashtu, which are optional languages.† An officer who, however, passes the examination in Persian by the Higher Standard and receives the reward of Rs. 500 under Government Notification, General Department, No. 1032, dated 21st March 1882, should, on passing the optional examination in that language prescribed for officers serving in Sind, receive only the difference between this amount and the full reward admissible for the optional test.

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* It has since been decided by the Government of India, with the approval of the Secretary of State, that when an officer can, subject to certain conditions, claim a reward for passing in a third compulsory language, he may, provided he fulfils the required conditions, be granted a like reward for every other additional language in which he may be required to pass. (G. of I. Resln. No. 81-91, dated 17th February 1899; G. R. No. 2107, dated 22nd March 1899.)

† The Turki language was originally included in the list of languages for passing in which rewards are admissible to officers serving in Sind. But by the Resolution of the Government of India, Home Department, No. 4-Exn.-425-36, dated 26th October 1895 (G. R. No. 9095, dated 19th November 1895) it has been removed from that list.

These orders are not intended to affect in any way the rules prescribing the rewards to which Junior Civilians will be entitled who succeed in passing High Proficiency and Honours Examination in certain specified languages.

(G. I. Notn., H. D., No. 35-1307, dated 4th May 1874; *vide* G. N., G. D., dated 20th idem, and G. I., H. D., Nos. 3006, dated 21st December 1874, and 16, dated 22nd February 1884; *vide* G. R., G. D., No. 791, dated 6th March 1884.)

5. The examination in Persian to qualify an officer serving in Sind to obtain the reward of Rs. 1,000 under the Government of India's Resolution No. 35-1307, dated 4th May 1874, will be somewhat similar to that styled Preliminary Examination in Nairne's Hand-book. The test will be as follows:—

(1) Construing with readiness and accuracy from the Gulistán and the first four chapters of the Anwár-i-Sohaili, the test being a medium between the Higher and the High Proficiency Standards.

(2) Translating into English, with accuracy, a passage, in an easy narrative style, not taken from the text-books.

(3) Translating intelligibly, and with accuracy of grammar, into Persian an English paper of an easy narrative style.

(4) Translating in like manner a paper of English sentences.

(5) Conversing in the vernacular with a native of Persia with accuracy and fluency.

The Examiners are to see that the papers set are not too easy, while they should not be difficult as those set for the Higher Proficiency test.

Perfect ability to converse fluently and accurately with an ordinary Hill Beluch should be absolutely a *sine quâ non* of the test in the Beluchi language. Major Mockler's Grammar may be substituted for Mr. Gladstone's as the text book in Beluchi for such officers as desire to pass in the Mekráni dialect of Beluchi.

The examination in Persian will take place in Bombay; that in Beluchi will take place in Sind, at such place and before such officers as the Commissioner in Sind may direct. Length of service is no bar to any one's appearing. Officers attached to the Sind Frontier Force may be considered to be usually employed in Sind within the meaning of these orders and are, therefore, entitled to present themselves for examination in Persian and Beluchi.

(G. Rs., G. D., Nos. 2741, dated 22nd September 1874; 1122, dated 14th April 1875, 3655, dated 26th December 1877, and 1031, dated 10th April 1880.)

6. The Resolution of the Government of India, H. D., No. 35-1307, dated 4th May 1874, is not applicable to officers of the Telegraph Department, but a reward of Rs. 500 is admissible to them under the Public Works Department rules for passing an examination in a language (native) other than Hindustáni equivalent to the Higher Standard in Hindustáni. (G. I., P. W. D., No. 7-E.T., dated 10th January 1876; *vide* G. R., G. D., No. 293, dated 24th idem.)

7. Uncovenanted Officers in Sind are not likely to be so often employed on any special duty in the Persian Gulf or at Aden as to render it desirable to encourage them by the grant of rewards to acquire knowledge of Arabic. The Government of India do not consider it necessary to include Arabic among the languages for proficiency in which a reward of Rs. 1,000 is sanctioned by their Resolution No. 35-1307, dated 4th May 1874, or to authorize any fresh concession in this respect to Uncovenanted Officers in Sind. (G. I., H. D., No. 15, dated 29th January 1876; *vide* G. R., G. D., No. 521, dated 11th February 1876.)

8. A reward of Rs. 500 is admissible to military officers employed in Sind for passing in the Beluchi language, provided competent Examiners are available. (G. I., M. D., No. 871, dated 16th December 1875, and G. I., H. D., No. 7, dated 24th January 1876; *vide* G. Rs., G. D., No. 171, dated 14th January 1876, and No. 522, dated 11th February 1876; and clause 40, India Army Circulars, 1890.)

9. All Uncovenanted Civilians as well as Covenanted Civil and Military Officers in Sind are eligible for the reward admissible under the rules for passing the prescribed examination in the Beluchi language. (G. R., G. D., No. 124, dated 16th January 1877.)

10. In the case of civil officers, the rewards for passing in Beluchi should be reduced to Rs. 500 and the standard of marks raised from 40 to 60 per cent. Mr. Dame's 'Text-book of the Beluchi language' and Rai Bahadur Hittu Ram's 'Baluchinama' as translated and transliterated by Mr. Douie should be the text-books for the examination in Beluchi by the Higher Standard. (G. I., H. D. Nos. 21, dated 19th February 1890, and 183, dated 31st May 1894; *vide* G. R., G. D., No. 1109, dated 18th March 1890, and G. R., R. D., No. 5469, dated 27th June 1894.)

11. The test for the examination in Pashtu, for which officers engaged in the administration of Sind may appear under the orders contained in the Resolution of the Government of India, No. 35-1307, dated 4th May 1874, is the same as that for the Higher Standard Examination in Pashtu laid down in Article 2670, Section 24, Volume II, Part II, of the Army Regulation, India. (G. R., G. D., No. 2907, dated 19th August 1892.)

EXAMINATIONS.]

12. Controlling officers may sanction rewards under the rule, which entitles an officer of the Indian Civil Service who, after passing in two compulsory languages, passes in a third compulsory language within one year from the date of his becoming liable to pass in that language, to a reward of Rs. 500; but before sanctioning a reward they should obtain a report from the Accountant General that it is admissible. As Maráthi is not the recognized vernacular language of the Belgaum District it cannot be regarded for the purpose of the rule as a language in which it is incumbent on Junior Civilians serving in that district to pass. (G. Rs. Nos. 6756, dated 5th October 1887, and 4836, dated 6th July 1889).

XVII.—MISCELLANEOUS.

1. The Commissioner in Sind is authorized to issue notifications regarding the passing of vernacular examinations by officers subordinate to him. (G. R. No. 3673, dated 12th October 1866.)

2. Notifications regarding the passing of officers in the Departmental Examinations should be published by the respective Departments to which they belong instead of the Revenue Department issuing the notifications concerning all officers. The Secretary to the Central Committee for Departmental Examination should submit his report of those examinations to the Departments concerned to which the respective officers may belong. (G. R. No. 3054, dated 11th June 1879.)

3. The rules for the admission of candidates to the lower grades of the Public Service are applicable to Shroffs, Bill Collectors, Inspectors and Surveyors.

It is the desire of Government that only passed men be appointed to fill even acting vacancies in permanent or temporary establishments. (G. Rs., G. D., Nos. 1732, dated 22nd July 1869, and No. 1812-A., dated 31st idem.)

4. The rules regarding the admission to the lower grades of the Public Service should be held applicable to appointments in the Registration and Stamp Departments, to the clerical establishments of the Forest Department, to the office staff of the Director of Land Records and Agriculture, and to the agricultural passed students of the College of Science, Poona, recruited for the Circle Inspectors' staff.

Applicants for employment in the Survey and Settlement Department should be required to produce third grade certificates under Schedule B, Scheme 2, under the rules in question; this is not, however, to be held to bar the re-employment of men who have been or may be thrown out of employ in that Department, owing to the reduction recently made in that Department.

The rules in question have been made applicable to the Customs, Salt and Opium Departments by Government Notifications Nos. 1600 and 1665, dated 2nd and 4th March 1891, published, respectively, at pages 211 and 216 of the *Bombay Government Gazette* of 1891, Part I, but they need not be extended to appointments in the A'bkári Department.

(G. R. No. 2303, dated 29th March 1893.)

5. The rules regarding admission to the lower grades of the Public Service should be held applicable to appointments in the Stationery and Income Tax Departments in Bombay City. The heads of those offices are, however, authorized to make an exception, if necessary, in the case of the out-door and packing establishments in the Stationery Office and the out-door and cashier's establishments in the Income Tax Office.

The rules in question need not apply to appointments in the Mint, Assay and Postal Departments. They will also not apply to the Accountant General's and Paper Currency offices, for which the requisite rules have been prescribed by the Government of India in Rule 23, Chapter 79 of the Civil Account Code.

(G. R. No. 1554, dated 20th April 1893).

6. Officers Commanding Divisions and Stations are authorized to receive applications for the examination, in native languages, of Government servants in Civil employ when the applications are submitted by the Heads of Departments serving on the spot. In the case of officers applying to be examined by the Higher Standard test, the Heads of Departments concerned should themselves arrange with the Civil and Military Examination Committee for the transmission of the necessary test papers direct to the General Officer Commanding the Division or District concerned, it being understood that the date and place of examination are to be in every case prearranged by Heads of Departments with the Assistant Adjutant-General, Brigade Major, or Station Staff Officer, as the case may be. (G. R., M. D., Nos. 5194, dated 11th December 1871, and 3529, dated 23rd September 1874; *vide* G. R, G. D., No. 3913, dated 27th December 1871, and G. R., G. D., No. 3084, dated 27th October 1874.)

7. The Departmental Examinations for candidates from Sind should be held at Karáchi under the superintendence of a Branch Committee concurrently with those held in Bombay. To this Branch Committee the Assistant Commissioner in Sind should *ex-officio* be Secretary, the appointment of the President and other members being left to the Commissioner in Sind.

To preserve uniformity of standard in Bombay and Sind, the examination papers for translation into Sindhi will be set to the Sindhi candidates as are set to candidates attending the language part of the examinations in Bombay, though the marks may be assess-

ed in Sind, and the same magisterial case will be set to the Sindhi candidates as is set in Bombay. The Central Committee will send an English translation of the case which will be translated into Sindhi in Sind for the use of the Sindhi candidates.

All papers which hitherto have been set by members of the Central Committee, and to which the answers have been examined and marked by such members, will be sent under sealed cover to the Secretary to the Branch Committee, who will return under sealed cover the answers to the Secretary to the Central Committee for assessment of the marks, and the decision whether a candidate has or has not passed, will rest with the Central Committee.

(G. R., No. 3992, dated 9th July 1881.)

8. The permission allowing the Departmental Examinations to be held at Karáchi for candidates from the Province of Sind is extended to other examinations also, *i.e.*, examinations of Head Accountants, Forest and Police Officers, which take place before the Central Committee at the Presidency. These examinations should in future be held before the Branch Committee at Karáchi for officers of the above Departments stationed in Sind. The Central Committee on being informed by the *ex-officio* Secretary to the Branch Committee that a candidate belonging to a certain branch of the service wishes to be examined according to the rules relating to his service, will forward to him the necessary papers under a sealed cover as is done in the case of the Revenue Departmental Examinations. (G. R, No. 5991, dated 11th October 1881.)

9. Arrangements analogous to those sanctioned for Sind candidates for the Departmental Examinations should also be adopted in the case of officers in Sind desirous of being examined in the vernaculars of Sind. The Branch Committee at Karáchi is empowered to examine in Sindhi up to the Higher Standard. (G. R., No. 3054, dated 17th May 1887.)

10. The Secretary to the Central Committee for Departmental Examinations should inform candidates of the result of their examination as soon as it is known. (G. M. No. 2255, dated 6th April 1882.)

11. The Secretary to the Central Committee for Vernacular Examinations should report the result of the examinations of Police and Military Officers to the Departments of Secretariat under which they are employed and not to the Revenue Department. (G. R. No. 774, dated 30th January 1889.)

12. Remuneration is not admissible for superintending examinations rendered compulsory on persons belonging to the public service, and is not, therefore, admissible for examining Junior Civilians and officers who retain their appointments only if they pass the examinations. (G. R., F. D., No. 3641, dated 6th June 1882.)

13. The Oriental Translator to Government is not to be allowed any fees for doing duty as Secretary to the Central Committee for Vernacular and Departmental Examinations. (G. R. No. 8487, dated 2nd December 1886.)

14. Travelling allowances under the ordinary rules of the Civil Department and a daily allowance of Rs. 15 should be granted to officers appointed from outside the Bombay Veterinary College, and not resident in Bombay, to serve as Examiners at the College. The daily allowance should be granted for the number of days actually spent in Bombay for the purpose of conducting the examinations. (G. I., R. & A., No. 37C-H. B. and A. S., dated 11th December 1889; *vide* G. R., R. D., No. 13, dated 3rd January 1890, and G. R, F. D., No. 3290, dated 21st September 1891.)

(*Note.*—By Government Resolution, Educational Department, No. 1163, dated 3rd June 1892, it has been decided that the foregoing orders should be interpreted to mean that the officer concerned should be granted travelling allowance for the journey to Bombay and back at the rate mentioned in Chapter 48 of the Civil Service Regulations, and during the halt only at Bombay for conducting the examination, an allowance of Rs. 15 a day.)

15. Officers who are specially appointed to serve as Examiners in the Lower and Higher Departmental Examinations, and are required to leave their stations to conduct such examinations, cannot, under the provisions of Article 89 (*d*) of the Civil Service Regulations be granted any remuneration, as these examinations are examinations rendered compulsory on persons belonging to the public service within the meaning of the first sentence of that article; and as it is not open to the Local Government to declare, under the provision embodied in the second sentence of the article, that such examinations do not come within the ordinary duties of the officers conducting them, Government has a right to require its officers to undertake the conduct of examinations necessary to provide requisite administrative machinery as part of their duty and without extra payment. The view that in the case of a Collector of a District this work is a public duty only within the limits of his charge, cannot be accepted. The ordinary travelling allowance with halting allowance is admissible under the Regulations to officers deputed from their own stations to conduct Departmental Examinations, and there will be very few cases in which, unless a deputation allowance is granted, officers deputed on such duty will be exposed to hardship. For these reasons the Government of India cannot authorize the grant of remuneration to officers who are required to leave their stations to conduct Departmental Examinations. (G. I., H. D., No. 423, dated 27th December 1894; *vide* G. R., F. D., No. 122, dated 12th January 1895.)

16. The Oriental Translator to Government should himself prepare the copies and translations of the passages set by him at examinations, or, if he

is unable to do this entirely unaided, he should entrust a part of the duty to one trustworthy Assistant in whom he can repose full confidence. (G. N. No. 8980, dated 21st December 1882.)

No person can be permitted to present himself for examination before the Central Committee for Departmental Examination until he has been appointed to some office in a Civil Department, but any person who having been appointed to officiate during a temporary vacancy ceases to hold office on the expiration of the period of such vacancy, may present himself for examination in a vernacular language before the Central Committee for Departmental Examination, even though at the time he may not be holding any appointment under Government. (G. R. No. 2565, dated 24th March 1884.)

17. Any case in which in the opinion of the Examination Committee a candidate has culpably neglected the duty of preparing himself for an obligatory Departmental Examination should be reported to Government. (G. R., F. D., No. 3218, dated 23rd November 1885.)

18. The Accountant General should submit to Government quarterly lists of Government officers against whom the penalty of deduction from pay is enforced for not passing examinations prescribed by the rules. (G. M. No. 8701, dated 29th December 1888.)

19. Heads of offices are authorized to grant permission to their subordinates to appear for examinations in vernacular languages. (G. R. No. 7800, dated 3rd October 1892.)

No. 663
23/10/91

EXPLOSIVES.

I.—Rules to regulate the Transport and Importation of Explosives.

1. In supersession of the Notification by the Government of India, Home Department, No. 1417 (Public), dated the 24th June 1887, and in exercise of the powers conferred by Sections 5 and 7 of the Indian Explosives Act (IV of 1884), the Governor General in Council is pleased to make the following rules to regulate the transport and importation of explosives.

These rules extend to the whole of British India, but the rules relating to the transport of explosives shall cease to apply to any port as defined in the Indian Ports Act (X of 1889), for which special rules made by the Local Government are for the time being in force, in so far as they are expressly superseded by, or are inconsistent with, such special rules.

Nothing in these Rules shall apply to the manufacture, possession, use, sale, transport, or importation of any explosive—

(*a*) by order of the Government, or

(*b*) by any person employed under the Government in the execution of the Indian Explosives Act (IV of 1884) or as a keeper of a magazine, artizan, soldier, sailor, policeman or otherwise, or enrolled as a volunteer under the Indian Volunteers Act (XX of 1869), in the course of his employment or duty as such.

Preliminary.

1. For the purposes of these rules, explosives shall be classified as follows, namely:—

Class 1	...	...	Gunpowder.
Class 2	...	...	Nitrate-mixture.
Class 3	...	...	Nitro-compound.
Class 4	...	...	Chlorate-mixture.
Class 5	...	...	Fulminate.
Class 6	...	...	Ammunition.
Class 7	...	...	Firework.

And when an explosive falls within the description of more than one class, it shall be deemed to belong exclusively to the latest of the classes within the description of which it falls.

Class 1.—*Gunpowder Class.*

The term "gunpowder" means exclusively gunpowder ordinarily so called.

Class 2.—*Nitrate-mixture Class.*

The term "nitrate-mixture" means any preparation, other than gunpowder ordinarily so called, formed by the mechanical mixture of a nitrate with any form of carbon or with any carbonaceous substance not possessed of explosive properties, whether sul-

phur be or be not added to such preparation, and whether such preparation be or be not mechanically mixed with any other non-explosive substance.

The nitrate-mixture class comprises such explosives as—

Pyrolithe,
Pudrolithe,
Poudre saxifragine,

and any preparation coming within the above definition.

CLASS 3.—*Nitro-compound Class.*

The term "nitro-compound" means any chemical compound, possessed of explosive properties, or capable of combining with metals to form an explosive compound, which is produced by the chemical action of nitric acid (whether mixed or not with sulphuric acid) or of a nitrate mixed with sulphuric acid upon any carbonaceous substance, whether such compound is mechanically mixed with other substances or not.

The nitro-compound class has two divisions.

Division 1 comprises such explosives as—

Nitro-glycerine,
Dynamite,
Lithofracteur,
Dualine,
Glyoxiline,
Methylic nitrate,

and any chemical compound or mechanically mixed preparation which consists either wholly or partly of nitro-glycerine or some other liquid nitro-compound.

Division 2 comprises such explosives as—

Gun-cotton, ordinarily so called,
Gun-paper,
Xyloidine,
Gun sawdust,
Nitrated gun-cotton,
Cotton gunpowder,
Schultz's powder,
Nitro-mannite,
Picrates,
Picric powder,
Tonite (or cotton-powder),

and any nitro-compound as before defined which is not comprised in the first division.

CLASS 4.—*Chlorate-mixture Class.*

The term "chlorate-mixture" means any explosive containing a chlorate.

The chlorate-mixture class has two divisions.

Division 1 comprises such explosives as—

Horsley's blasting powder,
Brain's blasting powder,

and any chlorate preparation which consists partly of nitro-glycerine or of some other liquid nitro-compound.

Division 2 comprises such explosives as—

Horsley's original blasting powder,
Erhardt's powder,
Reverley's powder,
Hochstadter's blasting charges,
Reichen's blasting charges,
Teutonite,
Chlorated gun-cotton,

and any chlorate-mixture as before defined, which is not comprised in the first division.

CLASS 5.—*Fulminate Class.*

The term 'fulminate' means any chemical compound or mechanical mixture, whether included in the foregoing classes or not, which from its great susceptibility to detonation, is suitable for employment in percussion-caps or any other appliances for developing detonation, or which, from its extreme sensibility to explosion and from its great instability (that is to say, readiness to undergo decomposition from very slight exciting causes), is especially dangerous.

The fulminate class has two divisions.

Division 1 comprises such compounds as the fulminates of silver and of mercury and preparations of these substances, such as are used in percussion-caps, and any preparation consisting of a mixture of a chlorate with phosphorus, or certain descriptions of phosphorus compounds, with or without the addition of carbonaceous matter, and any preparation consisting of a mixture of a chlorate with sulphur, or with a sulphurate, with or without carbonaceous matter.

Division 2 comprises such substances as the chloride and the iodide of nitrogen, fulminating gold and silver, diazobenzol, and the nitrate of diazobenzol.

CLASS 6.—*Ammunition Class.*

The term "ammunition" means an explosive of any of the foregoing classes when enclosed in any case or contrivance, or otherwise adapted or prepared so as to form a cartridge or charge for small-arms, cannon, or any other weapon, or for blasting or to form any safety or other fuze for blasting, or for shells, or to form any tube for firing explosives, or to form a percussion-cap, a detonator, a fog-signal, a shell, a torpedo, a war-rocket, or other contrivance other than a firework.

The term "percussion-cap" does not include a detonator.

The term "detonator" means a capsule or case which is of such strength and construction, and contains an explosive of the fulminate-explosive class in such quantity that the explosion of one capsule or case will communicate the explosion to other like capsules or cases.

The term "safety fuze" means a fuze for blasting, which burns and does not explode, and which does

not contain its own means of ignition, and which is of such strength and construction, and contains an explosive in such quantity that the burning of such fuze will not communicate laterally with other like fuzes.

The expression "safety cartridges" means cartridges for small-arms of which the case can be extracted from the small-arm after firing, and which are so closed as to prevent any explosion in one cartridge being communicated to other cartridges. The term also includes rifle-calibre machine-guns cartridges if they are of the above description, whether they are for use with machine-guns having chambers identical with those of rifles or with machine-guns which have special chambers.

The maximum gauge at which a small-arm cartridge can be accepted as "safety" is one inch. The following are the gauges of the machine-gun cartridges which may be accepted as "safety":—

·303-inch cordite.

Martini-Henry rifle, solid case.

·45-inch Gardner, Gatling and Nordenfeldt, except Martini-Henry chambered guns.

·4-inch.

Cartridges of larger gauge are not safety cartridges.

The ammunition class has three divisions.

Division 1 comprises exclusively—

Safety cartridges,

Safety fuzes for blasting,

Fuzes for shells, and tubes friction for guns, provided there be no more than five fuzes or 25 tubes in one package, and that the package be a hermetically sealed metal cylinder.

Railway fog signals,

Percussion-caps.

Division 2 comprises any ammunition as before defined which does not contain its own means of ignition and is not included in division 1, such as—

Cartridges for small-arms, which are not safety cartridges,

Cartridges and charges for cannon, shells, mines, blasting, or other like purposes,

Shells and torpedoes containing any explosive,

Fuzes for blasting, which are not safety fuzes,

Fuzes for shells,

Tubes for firing explosives,

War-rockets,

which do not contain their own means of ignition.

Division 3 comprises any ammunition, as before defined, which contains its own means of ignition and is not included in division 1, such as—

Detonators,

Cartridges for small-arms, which are not safety cartridges,

Fuzes for blasting, which are not safety fuzes,

Fuzes for shells,

Tubes for firing explosives,

which do contain their own means of ignition.

By ammunition containing its own means of ignition is meant ammunition having an arrangement, whether attached to it or forming part of it, which is adapted to explode or fire the same by friction or percussion.

CLASS 7.—*Firework Class.*

The firework class has two divisions.

Division 1 comprises firework compositions, that is to say, any chemical compound or mechanically mixed preparation of an explosive or inflammable nature, which is used for the purpose of making manufactured fireworks, and is not included in the former classes of explosives, and also any star and any coloured fire composition, subject to the proviso hereinafter set forth.

Division 2 comprises manufactured fireworks, that is to say, any explosive of any of the foregoing classes and any firework composition, when such explosive or composition is enclosed in any case or contrivance, or is otherwise manufactured so as to form a squib, cracker, toy cap or amorce, serpent, rocket (other than a war-rocket), maroon, lance, wheel, Chinese fire, Roman candle, or other article specially adapted for the production of pyrotechnic effects or pyrotechnic signals or sound signals.

Provided that a substantially constructed and hermetically closed metal case containing not more than 1 lb. of coloured fire composition of such a nature as not to be liable to spontaneous ignition shall be deemed to be a "manufactured firework".

TRANSPORT.

(*a*) *Packing.*

2. The following general rules shall be observed with respect to the packing of explosives for conveyance:—

I.—Each class of explosive shall be separately packed.

II.—An explosive, not being an explosive of the 5th (fulminate) class, or of the 2nd and 3rd divisions of the 6th (ammunition) class, or of the 1st division of the 7th (firework) class, shall, if not exceeding 5 lbs. in quantity, be contained in a substantial case, bag, canister, or other receptacle made and closed so as to prevent the explosive from escaping.

III.—In every other case the explosive shall be contained in a double package. The inner package shall be a substantial case, bag, canister, or other recepta-

cle made and closed so as to prevent the explosive from escaping, and the outer package shall be a box, barrel, or case of wood or metal or other solid material, and shall be of such strength, construction, and character that it will not be broken or accidentally opened, or become defective or insecure whilst being conveyed, and will not allow the explosive to escape:

Provided as follows:

(*a*) If the explosive is of the 1st (or gunpowder) class or of the 2nd (nitrate-mixture) class, or is gun-cotton or another explosive of the 2nd division of the 3rd (nitro-compound) class, the quantity of the explosive in any one outer package shall not, in the case of explosives of the first two classes, exceed 100 lbs., and in other cases 50 lbs.

If the explosive is picric acid, the inner package must be of such a nature as to effectually prevent any picric acid from coming into contact with any basic metallic oxide.*

(*b*) If the explosive belongs to the 1st division of the 3rd (nitro-compound) class or to the 4th (chlorate-mixture) class, the inner package shall be without any metal in its construction, and the inner or outer package or both shall be thoroughly waterproof.† No one of the inner packages shall contain more than 10 lbs., and the aggregate quantity of the explosive in any one outer package shall not exceed 50 lbs.

(*c*)—1. If the explosive belongs to the 5th (fulminate) class, and is of such character that it cannot be packed mixed with water, or that danger would arise from such mode of packing, it shall be packed in such manner as shall be specially directed by the Governor-General in Council.

2. Any other explosive of the fulminate class shall be packed as follows: It shall be packed in bags or coverings of calico, canvas, or other material permeable to water, and containing each not more than 25 lbs. of fulminate, and so made and closed as to prevent any explosive from escaping. Such bags or coverings shall be packed

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* *Note.*—This rule is intended to prevent picric acid being packed in a case lined with certain metals, such as zinc or lead, which would result in danger arising from the formation of a picrate. Waterproof bags inside powder-barrels are suggested as a simple and safe method of packing picric acid for transport or storage.

† *Note.*—From the requisition that the package should be waterproof are excepted—

(1) All explosives falling in the 2nd division of the 4th (chlorate-mixture) class.

(2) Those explosives included in the 1st division of the 3rd (nitro-compound) class which do not yield up their nitro-glycerine in contact with water, such as blasting gelatine, gelatine dynamite, cordite and ballistite and gelignite: provided that any other substance than those named has been certified to be of this character by a Chief Inspector of Explosives.

in a case containing sufficient water to ensure the explosive being kept constantly wet, and such case (hereinafter called the inner case) shall be packed in an outer case containing sufficient water constantly to surround the inner case; and the inner case and the outer case shall each be of such strength, construction, and character that it will not be broken or accidentally opened or become defective or insecure whilst being conveyed, and will not allow any fulminate or water to escape; and the amount of the explosive in any one outer case shall not exceed 200 lbs., except with the consent of, and under conditions approved by, an Inspector of Explosives.

3. Every package when actually used for the packing of one fulminate shall not be used for the packing of any other fulminate or for any other purpose.

4. On the outer case there shall be affixed in conspicuous characters by means of a brand or securely attached label or other mark the word "Explosive," with the name of the explosive followed by the words "Fulminate, Division 1" (or 2 as the case may be) and the name and address of the owner or sender.

(*d*)—1. If an explosive belongs to the 1st division of the 6th (ammunition) class, it shall be contained in a box, barrel, or case of wood, metal, or other solid material, and of such strength, construction, and character that it will not be broken or accidentally opened or become defective or insecure whilst being conveyed, and will not allow any explosive to escape.

2. If the explosive belongs to the 2nd division of the 6th (ammunition) class, the following rules shall apply, *viz.*:—

(i) A shell or torpedo containing any explosive material, whether such shell or torpedo be separate or form part of a rocket or other appliance, shall be packed in such manner as may be specially directed by the Governor-General in Council with reference to such explosive.

(ii) Any explosive material when made up into a cartridge or charge for cannon, shells, mines, blasting, or other like purposes, shall be packed in the manner required for the same explosive material when not so made up:

Provided that where a double package is required, the enclosing case of such cartridge or charge, if it satisfies the conditions required for the inner package, may be held to be such inner package.

(iii) Any other explosive of the 2nd division shall be packed in a box, barrel, or case of wood, metal, or other solid material, and of such strength, construction, and character that it

will not be broken or accidentally opened, or become defective or insecure whilst being conveyed, and will not allow any explosive to escape: and any one such package shall not contain more than 100 lbs. of ammunition.

(*e*) If the explosive belongs to the 3rd division of the 6th (ammunition) class, it shall be packed in a double package. The inner package shall not contain more than 2 lbs. of such explosive, and no more than 50 lbs. shall be contained in the outer package.

(*f*) If the explosive belongs to the 1st division of the 7th (firework) class, it shall be contained in a double package. The inner package shall be a substantial canister, case, or other receptacle hermetically closed, and containing no more than 1 lb. of explosive, and no more than 20 lbs. shall be contained in the outer package; and

(*g*) If the explosive belongs to the 2nd division of the 7th (firework) class, it shall be contained in a box, barrel, or case of wood, metal, or other solid material, and of such strength, construction, and character that it will not be broken or accidentally opened, or become defective or insecure whilst being conveyed, and will not allow any explosive to escape, and the quantity of explosive in any one package shall not exceed 100 lbs.

IV.—Whatever be the amount of the explosive, and to whatever class or division of a class it belongs, the following conditions shall be observed:—

(*a*) The interior of every package, whether single or double, shall be kept free from grit and otherwise clean;

(*b*) every package, whether single or double, when actually used for the packing of the explosive, shall not be used for the packing of any other explosive of the same or any other class or for any other purpose, except with the consent of, and under conditions approved by, an Inspector of Explosives;

(*c*) there shall be any iron or steel in the construction of any such single package or inner or outer package unless the same is effectually covered with tin, zinc, or other suitable material;

(*d*) on the outermost package there shall be affixed, in conspicuous characters, by means of a brand or securely attached label or mark, the word "Explosive," followed by the name of the explosive or other description of the contents, and the name and address of the owners or senders; and

(*e*) the amount of the explosive in any single package, or, if there is a double package, in any one outer package, shall not exceed the amount specified in the foregoing rules, except with the consent of, and under conditions to be approved

by, an Inspector of Explosives or other officer appointed by the Local Government in this behalf.

3. Whoever commits a breach of any of the foregoing rules relating to the packing of explosives for conveyance, shall be punishable with fine which may extend to Rs. 1,000.*

(b) Mode of conveyance.

4. The following general rules shall be observed with respect to the conveyance of explosives :—

I.—No explosive shall be conveyed from place to place unless packed in the manner provided for in the foregoing rules.

II.—There shall not be conveyed in any carriage or vessel, which is being used for the conveyance of an explosive, any explosive of a different class and division, of whatsoever nature, which contains its own means of ignition, unless it is sufficiently separated therefrom to prevent any fire or explosion which may take place in one such explosive being communicated to another.

III.—Except in the case of small consignments carried by railway, which may be unloaded at any time, explosives shall be loaded or unloaded only between sunrise and sunset. For the purposes of this rule no consignment of more than half a wagon-load booked to one station shall be deemed to be a small consignment.

IV.—Whilst the explosive is being loaded on or unloaded out of any carriage or vessel, no fire or artificial light, nor any article which is liable to cause or communicate fire or explosion [such as charcoal, lucifer-matches, articles for striking a light, petroleum to which the Petroleum Act (XII of 1886) or any other Act for the time being in force regarding the importation, possession, and transport of petroleum, applies, or any spirit or oil or substance that gives forth an inflammable vapour at a temperature below 100° Fahrenheit] shall be, or shall be allowed to be, brought, had, or used dangerously near to such carriage, ship, or boat, and no smoking shall be allowed in, on, or dangerously near, to the same:

Provided that when the use of a light for the purposes of such loading or unloading is unavoidable, a lamp of such construction, position, or character as not to cause any danger from fire or explosion may be used; and no person, while handling any explosive (except an explosive of division 1, class 6, or an explosive of class 7, if packed in accordance with the packing rules) shall wear boots or shoes with iron or steel nails, heels, or tips.

V.—In the loading or unloading of any explosive, the casks and packages containing the same shall be

* Rules regarding search for, and detention of, explosives contravening regulations have been issued by the Local Governments.

passed from hand to hand and not rolled upon the ground; they shall not be thrown or dropped down, but shall be carefully deposited and stowed.

VI.—The explosive shall not be conveyed except in the interior of a carriage so enclosed on all sides with wood or metal, or in the hold of a ship or boat having a close deck so closed, as effectually to protect the explosive against accident by fire from without. If the explosive cannot be so secured, it shall be completely covered with painted cloth, tarpaulin, or other suitable material so as to effectually protect it against communication of fire.

VII.—There shall not be any iron or steel in the interior of the portion of the carriage or vessel with which the case containing the explosive is in contact, unless the same is effectually covered with leather, wood, cloth or other suitable material.

VIII.—In the stowing of the explosive, due precautions shall be taken by means of a partition or otherwise, and by careful stowing to secure such explosive from being brought into contact with, or endangered by, any other article or substance conveyed in such carriage or vessel which is liable to cause fire or explosion; and if the explosive is dangerously affected by water, due precautions shall be taken to exclude water from coming into contact with such explosive.

IX.—The amount of the explosives conveyed in any one carriage or vessel at any one time shall not exceed 2,000 lbs., unless the carriage be so enclosed on all sides with wood or metal, or the vessel have a close deck so closed, as effectually to protect the explosive against accident by fire from without, in which case the amount of the explosives conveyed shall not exceed the following:—

In any one carriage on a railway	... 10 tons.
In any one other carriage ...	... 2 ,,
In any one vessel	... 20 ,,

Note.—This rule shall, in the case of dynamite conveyed by railway, be read subject to paragraph XII of Rule 6.

X.—Nothing in the foregoing rules (except Rule I) shall apply to any explosive of the 1st division of the 6th (ammunition) class:

Provided that all due precautions are taken for the prevention of accidents.

5. The following rules shall be observed with respect to the conveyance of explosives otherwise than by railway:—

I.—No explosive shall be conveyed in a carriage or boat whilst carrying or plying for public passengers, unless the quantity is less than 5 lbs., and notice has been given beforehand to the person in charge of such carriage or boat:

Provided that there shall not be conveyed in any such carriage or boat any explosive of the 5th (fulminate) class, or any explosive of the 3rd division of the 6th (ammunition) class or of the 1st division of the 3rd (nitro-compound) class, except—

(*i*) dynamite which may be carried in the form of cartridges up to the limit of 5 lbs.:

Provided that no detonators are carried in the same compartment; and

(*ii*) detonators to the number of 200:

Provided that the amount of explosive of the 5th (fulminate) class in the detonators shall in no case exceed in the aggregate 3 oz. (a certificate to this effect being given by the Agent of the Company by whom the detonators are tendered for transport):

Provided also that no dynamite is carried in the same compartment.

II.—With respect to the conveyance by carriage or vessel of explosives of the 5th (fulminate) class, or of the 3rd division of the 6th (ammunition) class, or of the 1st division of the 7th (firework) class, or of larger quantities than 5 lbs. of any other explosive, the following regulations shall be observed:—

(1) The person in charge of the carriage or vessel shall not drive or conduct the same in a dangerous or reckless manner, and shall take all due precautions to avoid fire and explosion, and no person shall do any act or thing in relation to the explosive which tends to cause fire or explosion, and is not reasonably necessary for the conveyance of the explosive or for work immediately connected with such conveyance; and a person who is intoxicated shall not have charge of any carriage or vessel conveying explosive, and shall not be permitted to be in, or on, or attending the same.

(2) A person shall not forward to any warehouseman or carrier a consignment of explosive, unless he has given notice to such warehouseman or carrier beforehand, stating the name and quantity of the explosive proposed to be conveyed, and the name and address of the proposed consignee, and has had an intimation that the warehouseman or carrier is prepared to receive the consignment; and a warehouseman or carrier shall not make such an intimation, nor receive such consignment, unless he is prepared to receive it, and forthwith to despatch the same, or to deposit it in a magazine or at a place at which a person is licensed to possess the same

(3) The carriage or vessel conveying the explosive shall be in charge of, and constantly attended by, some competent person, or by a sufficient number of competent persons, and such persons shall not, if the amount of the explosive conveyed exceed 100 lbs., stop or delay for a longer time than may be reasonably necessary, or stop unnecessarily at any place where such stopping would be attended with special public danger.

6. The following rules shall be observed with respect to the conveyance of explosives by public railway:—

I.—No person shall send for carriage upon any railway any consignment of an explosive, unless he has given to the officer in charge of the railway station previous notice in writing which, at the option of the Railway Administration, may extend to 48 hours, of his intention to send such consignment, and stating the true name, description, quantity, and mode of packing of the explosive proposed to be conveyed, and his own name and address, and also the name and address of the proposed consignee, and unless he has had an intimation in writing from an authorized officer of the railway that such consignment will be received.

II.—No explosive which a Railway Administration shall, by any notice or regulation for the time being in force, notify that they will not receive, shall be brought, sent, or forwarded to, or upon, any railway of the said Railway Administration.

III.—Consignments of explosives shall be sent to the forwarding station and shall be received by the railway servants, only at such times, between sunrise and sunset, as the Railway Administration may appoint; and every package containing any explosive proposed to be conveyed on any railway shall immediately on arrival at the station be unloaded and placed in a safe place under the special direction of the officer in charge of the station.

All gunpowder under despatch or receipt by a Government arsenal, depôt, or factory, shall be loaded or unloaded in the railway vans by Government servants employed in such arsenal, depôt or factory. In each van used by the railway for the transport of gunpowder the packages of gunpowder shall be secured in such a way as to prevent concussion when the train is in motion.

IV.—An explosive shall be removed by the consignee from the receiving station during the twelve hours of daylight after arrival: if this condition is not strictly complied with, the Railway Administration may return the consignment to the consignor at his risk and expense. And such packages shall in the meanwhile be kept as far away from the station buildings as possible in the wagon they were conveyed in, or, if unloaded, shall be completely covered with tarpaulins or other suitable material, and, if necessary, shall be protected by a police guard.

V.—The Railway Administration may refuse to receive any packages which they suspect to contain any explosive packed or sent in contravention of these regulations. And in case any package, which the Railway Administration suspect, shall be upon any railway, the Railway Administration may open, or require to be opened, such package,

to ascertain the fact, at the risk and expense of the consignor, and may return the explosive contained in the package to the consignor at his risk and expense, keeping the packages, pending such return, in the manner prescribed in the preceding rule.

VI.—Subject to the exception provided for in clause (*e*), no explosive shall be conveyed by passenger-train except of the kinds and in the manner hereinafter specified in this rule :—

(*a*) Safety cartridges and percussion-caps and safety-fuze (for blasting), also fog-signals for railway use, which may be conveyed in ordinary wagons or carriages.

(*b*) Dynamite which may be carried in the form of cartridges up to the limit of 5 lbs.:

Provided that no detonators are carried in the same compartment.

(*c*) Detonators which may be carried to the number of 200:

Provided that in no case the amount of fulminate of mercury in the package or packages containing the detonators exceeds in the aggregate 3 oz. (a certificate to this effect being given by the Company, firm or person tendering the detonators for transport or by its or his agent):

Provided also that no dynamite is carried in the same compartment.

(*d*) Sporting gunpowder or non-safety cartridges packed in double cases as before provided, so long as the gunpowder is contained in one-pound tin canisters packed in a stout wooden case with an outer covering of tin or zinc completely spark-proof, or in metal-lined cases of a pattern approved by the Railway Administration. But no outer case shall contain more than 25 lbs. of gunpowder, and the total consignment of gunpowder or non-safety cartridges by one train shall not exceed 80 lbs.

(*e*) Explosives may be carried by mixed trains on any line on which goods trains are not running, subject to the conditions that not more than one vehicle containing explosives is forwarded at any one time by a mixed train; that the precautions prescribed for conveyance by goods trains are observed; and that directly a wagon containing explosives arrives at a section on which goods trains are running, it is detached from the mixed trains.

VII.—Not more than five carriages containing explosives shall be loaded or unloaded at any railway station, or be conveyed by any one train at any one time; and the quantity of explosive to be contained in any one carriage shall not exceed

two-thirds of the normal load, unless the carriages shall be specially built and approved of by the Government of India for the conveyance of explosives. But nothing in this clause shall be held to apply to separate consignments of small-arms ammunition.

VIII.—There shall not be conveyed in the same carriage with any explosive, any lucifer or other matches, fuzes, pipelights, acids, naphtha, paraffine, petroleum to which the Petroleum Act (XII of 1886), or any other Act for the time being in force regarding the importation, possession and transport of petroleum, applies, or any other volatile spirit or substance liable to give off an inflammable vapour or liable to spontaneous ignition, or to cause or communicate fire or explosion.

IX.—The consignor shall attach to the consignment note a certificate or (provided the original is produced for verification) copy of a certificate, signed by an officer authorized by the Local Government in this behalf that the explosive, if it is an explosive of class 3 or 4, is of the standard purity; and further, in the case of dynamite, and all nitro-glycerine compounds, that there are no signs of exuded nitro-glycerine or of liquefaction. The consignor shall also certify that the explosive has been packed in accordance with the packing rules in force in England or in British India.

X.—In the case of explosives under classes 3 and 4 the outer packages shall be marked with the date of the manufacture of the explosives. The abovementioned certificate shall contain sufficient information to admit of all packages being easily recognised.

XI.—The certificate referred to in Rule IX shall be valid for six months after date, if the examination has been made between the 15th October and 31st March; but any Railway Administration which accepts dynamite for transport may demand a fresh certificate for dynamite presented for conveyance between 1st April and 15th October (both inclusive).

XII.—Packages containing dynamite shall be stowed in one layer only and secured so as to prevent movement during transit, and the gross load in any one wagon shall not exceed 3 tons:

Provided that, if the packages of dynamite are in rectangular form and are properly secured so as to prevent movement during transit, they may be stowed in any number of layers not exceeding five, and the gross load in any one wagon shall not exceed 5 tons.

XIII.—No explosive belonging to the 5th (fulminate) class or to class VI, division 3, shall be carried in the same train with dynamite, or with any other explosive belonging to class III, division 1.

XIV.—Wagons used for the carriage of explosives shall be examined to see that they are spark-proof, and have been cleaned out before they are loaded. Hair, cloth, hides, or other suitable materials shall be spread on the floor of the wagon and between each layer of packages, except when the packages are covered with gunny or felt, or contain small-arms ammunition packed in tin-lined service-pattern boxes.

XV.—Wagons containing explosives shall be loaded and unloaded on sidings distant as far as possible from the station buildings.

XVI.—Five layers of packages in rectangular form and of uniform size (provided they are double packages, and are so secured as to prevent movement during transit) may be packed one above another. Otherwise not more than three layers of packages containing explosives shall be packed one above another. But in the case of small-arms ammunition packed in tin-lined service-pattern boxes, there is no restriction. Subject to the provisions of Rule 4 (III), the loading and unloading of explosives when once begun shall be diligently proceeded with until the same is completed.

XVII.—When the train is being marshalled, wagons loaded with explosives may be shunted by a locomotive, if they are separated from the engine by not less than three wagons containing no explosive nor easily inflammable substance; this precaution is not necessary with wagons specially constructed for the carriage of explosives. The speed of these movements shall be restricted to 5 miles an hour; they shall be superintended by a duly authorized officer, who shall be held responsible for the observance of these orders. Flying shunts are strictly prohibited.

XVIII.—Wagons containing explosives shall be placed at the end of the train away from the locomotive, and shall be close coupled to one another, as well as to the adjoining wagons, and preceded and followed by three wagons not loaded with explosives or other traffic of an inflammable nature.

XIX.—If the wagons employed in the transport of explosives are provided with brakes other than iron brakes, the brakes thereon shall on no account be worked while the wagons are running with a train, nor shall brakes, other than iron brakes, on vehicles immediately adjoining such wagons, be worked while such wagons are so running.

G. I., H. D., No. 499, dated 3rd March 1899; *vide* G. N. No. 1805, dated 8th idem.

XX.—Wagons shall in every case be locked when loaded with explosives.

XXI.—All operations connected with the transhipment of explosives at junction stations shall take place during daylight.

7. Whoever commits a breach of any of the foregoing rules relating to the mode of conveyance of explosives, shall be punishable with a fine which may extend to Rs. 100.

IMPORTATION.

8. An explosive shall not be imported by sea into British India, except under, and in accordance with, the conditions of a license to import the explosive granted under these rules :

Provided that any explosive other than an explosive specified in Rule 11 may, previous to the grant of an importation license, if certified to be of British manufacture or, if not of British manufacture, if imported from the United Kingdom and covered by the certificate granted by one of Her Majesty's Inspectors of Explosives in England, be landed in accordance with such regulations as the Local Government may prescribe in this behalf, and be stored in a place set apart by the Local Government for this purpose. The Governor General in Council may extend this privilege to any such explosive not of British manufacture regarding which he is satisfied that it has been manufactured under adequate official supervision.

Before any explosive is landed under the proviso to this rule, the consignee shall give to the Chief Customs Officer of the Port such undertaking, with or without security, as the said officer thinks sufficient, to obey, in the event of the explosive failing to satisfy the prescribed tests, such directions as to its disposal as the Local Government may see fit to prescribe.

If samples are taken by an officer deputed by the Chief Customs Officer on board the ship on its arrival the procedure shall be that prescribed in Rule 15.

9. Whoever imports an explosive in contravention of Rule 8, he shall be punishable with fine which may extend to Rs. 3,000.

10. An explosive shall not be imported by sea except at the ports of Calcutta, Madras, Bombay, Rangoon, Calicut, Karáchi, and Aden ; but a license to import an explosive by sea from Rangoon into the ports of Akyab, Moulmein, Sandoway, Kyouk-Phyoo, Tavoy and Mergui may be granted by the Magistrates of the Districts in which these ports are respectively situated. The fee payable in respect of each such license shall be one rupee, and the license shall be in Form A in the Schedule hereto annexed.

11. If the explosive is gunpowder or an explosive of the 1st division of the 6th (ammunition) class or an explosive of the 7th (firework) class, the license to import the same may be granted at the ports of Calcutta, Madras, and Bombay by the Commissioner of Police, and at the ports of Rangoon, Calicut, Karáchi, and Aden by the District Magistrate.

12. The fee payable in respect of each such license shall be Rs. 10, but if any explosive imported under a license into a British port is exported thence to another British port named in Rule 10, the necessary license for such re-import may be granted on payment of a fee of one rupee instead of Rs. 10.

*13. Licenses for the importation by sea of any explosives other than those specified in Rule 11 shall be granted by the Local Government or by some officer specially authorized by the Local Government in this behalf.

14. No license shall be granted for the importation of any explosive of the description referred to in Rule 13, if it be an explosive for which a test or examination has been prescribed by or under the orders of the Government of India, unless samples of the explosive taken, as hereinafter provided, are certified by the Chemical Examiner or some other officer appointed by the Local Government in this behalf to have passed the test or examination from time to time prescribed.

15. On the arrival, in any port at which the importation of explosives is lawful, of a ship having on board an explosive other than an explosive of the description referred to in Rule 11, such officer as the Chief Customs Officer authorizes in this behalf shall, as soon as may be, proceed on board and shall, if testing or examination is requisite under the last preceding rule, obtain samples of the explosive.

All explosives of which samples are taken for examination shall be forthwith deposited in a duly licensed place or places of storage, and shall not be distributed for use until the importer has received from the licensing authority notice that it may be so distributed.

The master of the ship shall give to the said officer, without charge, such samples as he may require. The said officer shall affix to each such sample the name of the ship and of the consignee and such other distinguishing marks as he may think necessary, and shall forward the same to the Chemical Examiner or officer as aforesaid for report.

The Chemical Examiner or officer as aforesaid, after testing the said samples, shall without delay forward to the licensing authority, through the Chief Customs Officer, a report under his signature certifying whether the explosive has satisfied the prescribed test.

15-A. Explosives, other than those referred to in Rule 11, which have already undergone the test prescribed by Rules 14 and 15 at the ports of Calcutta, Madras, Bombay, Rangoon, Calicut, Karáchi or Aden, may be re-imported by sea into any other

* Under No. 13 of the rules to regulate the transport and importation of explosives published with Government Notification No. 5283, dated 14th July 1897, His Excellency the Governor in Council is pleased to authorize the Commissioner in Sind to grant the import licenses therein referred to at the port of Karáchi. G. N. No. 2636, dated 17th April 1899.

of those ports under a license granted under Rule 13, without re-testing, but subject, in the case of such explosives as are mentioned in Rule 6, Clause IX, to the production of the certificate prescribed in that clause.

Such certificate shall be valid for six months after date, if the examination has been made between the 15th October and 31st March; but in the case of dynamite, a fresh certificate may be demanded if the consignment is imported between the 1st April and 15th October (both inclusive).

16. The period for which a license to import an explosive, granted under Rule 13, shall continue in force shall not exceed such period as may seem necessary to the authority granting the license.

17. The fee payable on a license granted under Rule 13 shall be Rs. 10, but, if any explosive imported under a license into a British port is exported thence to another British port named in Rule 10, the necessary license for such re-import may be granted on payment of a fee of one rupee instead of Rs. 10.

18. Every license granted under Rules 11 and 13 shall be in Form A in the Schedule hereto annexed, and shall be subject to the conditions therein prescribed, and also to such additional conditions with respect to the time and place of unloading, landing, delivery, and conveyance of the explosive, and such other conditions as may in each case be thought by the licensing officer to be necessary for the public safety or in the interests of the State.

19. Whoever commits a breach of any condition subject to which a license under Rules 11 and 13 is granted, shall be punishable with fine which may extend to Rs. 3,000.

GENERAL.

20. Every license granted under these rules shall be liable to be forfeited on breach of any of the conditions subject to which it is granted.

21. If a person licensed to import an explosive dies or becomes bankrupt, or becomes mentally incapable or otherwise disabled, the person carrying on the business of such licensee shall not be liable to any penalty or forfeiture under the Indian Explosives (Act IV of 1884) or the rules thereunder for acting under the license during such reasonable time as may be necessary to allow him to make an application to the authority granting the license for a new license in his own name during the currency of the unexpired portion of the original license. Such new license shall be granted on the payment of one rupee.

22. The fees leviable under these rules shall be taken in the shape of impressed stamps. Ordinarily the applications for licenses or renewals of licenses shall, if not otherwise provided, be written on impressed stamps of value equal to the amount of fee leviable in respect of such licenses or renewals,

the licenses themselves being issued on plain paper. But when the licenses themselves are written or printed on impressed stamps, the application may be on plain paper. When an application for license is written on an impressed stamp, and the license is refused, the value of the stamp will on application be refunded to the applicant.

23. When a license granted in accordance with these rules is lost, or accidentally destroyed, a duplicate may be granted to the licensee on payment of a fee of 8 annas.

24. Any person holding a license, or acting under a license granted in accordance with these rules, shall be bound to produce the same when called upon to do so by any Magistrate, or by any Police officer in charge of a Police station, or by any Police officer of higher rank.

25. All Magistrates or other authorities acting under these rules shall perform their duties subject to the control of their executive superiors and of the Local Government.

26. Any authority empowered to grant a license under the foregoing rules may, if he thinks fit, direct by any order written on the license that it shall have the effect of a like license under the Indian Arms Act (XI of 1878).

27. Any persons lawfully entitled under the Indian Arms Act, 1878 (XI of 1878), or the rules thereunder, to possess any explosive coming under the head of ammunition, as defined in that Act, may possess or import without license under these rules any such explosive in such quantities as may be prescribed by that Act or the rules thereunder, or, when no quantities are prescribed, in reasonable quantities for his own private use, but, when an explosive is so imported, the Collector of Customs or any other officer empowered by the Local Government in this behalf by name or by virtue of his office, may at any time detain such explosive until he receives the orders of the Local Government thereon.

G. I., H. D., No. 2177, dated 4th November 1898; *vide* G. N. No. 7190, dated 9th idem.

Form A.

(See Rules 11, 13 and 18.)

FEE—TEN RUPEES IN STAMPS.

*License to import Explosives into the Port of*_____

Name, &c., and address of license-holder.	Number of packages.	EXPLOSIVE.			Purpose for which required.	Destination.	Period for which the license is valid.
		Description.	Weight.	Number.			
							From the_____th of_____ to the_____th of_____ 18 .

The_____of_____

189 .

Seal.

(Signature)

_____of_____

Conditions.

1. This license is given subject to the provisions of "The Indian Explosives Act (IV of 1884)," and the Rules framed thereunder. Certain general rules are quoted separately below.

2. This license shall become void after expiry of the period named thereon.

3. This license is valid for importation only: if the articles named herein are to be transported to any place outside the Presidency Town, they must be protected by a transport license, to be issued in accordance with the rules framed under the Indian Arms Act (XI of 1878).

4. On the outside of each package there shall be affixed in conspicuous characters by means of a brand or securely attached label or mark the word "Explosive," followed by the name of the explosive or other description of the contents, and the name and address of the owners or senders.

GENERAL RULES.

* * *

20. Every license granted under these rules shall be liable to be forfeited on breach of any of the conditions subject to which it is granted.

21. If a person licensed to import an explosive dies or becomes bankrupt or becomes mentally incapable or otherwise disabled, the person carrying on the business of such licensee shall not be liable to any penalty or forfeiture under the Act or the rules made thereunder for acting under the license during such reasonable time as may be necessary to allow him to make an application to the authority granting the license for a new license in his own name during the currency of the unexpired portion of the original license. Such new license shall be granted on the payment of one rupee.

22. The fees leviable under these rules shall be taken in the shape of impressed stamps. Ordinarily the applications for license or renewals of licenses shall, if not otherwise provided, be written on impressed stamps of value equal to the amount of fee leviable in respect of such licenses or renewals, the licenses themselves being issued on plain paper. But when the licenses themselves are written or printed on impressed stamps, the application may be on plain paper. When an application for license is written on an impressed stamp, and the license is refused, the value of the stamp will, on application, be refunded to the applicant.

23. When a license granted in accordance with these rules is lost, or accidentally destroyed, a duplicate may be granted to the licensee on payment of a fee of 8 annas.

24. Any person holding a license, or acting under a license granted in accordance with these rules, shall be bound to produce the same when called upon to do so by any Magistrate, or by any

Police officer in charge of a Police station, or by any Police officer of higher rank.

(G. I., H. D., Notn. No. 1393, dated 8th July 1897; *vide* G. N. No. 5283, dated 14th idem.)

RULE FOR TESTING EXPLOSIVES.

2. With reference to Rule 14 of the rules to regulate the transport and importation of explosives published with Home Department Notification No. 1393, dated the 8th July 1897, the Governor-General in Council is pleased to make the following rule on the subject of the tests which explosives should be required to pass before their importation is permitted:—

Rule.

Class 1.—Gunpowder class. Gunpowder is not required to pass a test.

Class 2.—Nitrate-mixture class. Nitrate-mixture explosives are not ordinarily required to pass a test. The Local Government, however, or the authorized officer granting the import license under Rule 13 of the Rules to regulate the transport and importation of explosives published with Home Department Notification No. 1393, dated the 8th July 1897, may in any particular case or class of cases require that a sample of the explosive which is to be imported be sent first to the Chemical Examiner for an analysis of its constituent parts.

Class 3.—Nitro-compound class. It is for explosives of this class that testing is chiefly required, in respect to the purity of their composition and their liability to liquefaction or exudation. The tests prescribed for nitro-compound explosives are contained in Schedule A attached to this rule.

Class 4.—Chlorate-mixture class. See Schedule A for remarks regarding the testing of this class*.

Class 5.—Fulminate class. No test has been laid down for explosives of the Fulminate class.*

Class 6.—Ammunition class. No test is required for explosives of the 1st division of this class. If the substances of which explosives of the 2nd and 3rd divisions are composed have to be tested under the preceding rules, they will be equally liable to be tested when enclosed in any case or contrivance and thus falling under the Ammunition class.

Class 7.—Firework class. Explosives of this class are not required to pass a test.

SCHEDULE A.

HEAT TEST AS APPLIED TO EXPLOSIVES OF THE NITRO-COMPOUND CLASS.

GENERAL INSTRUCTIONS.

Apparatus required.

1. A water bath, consisting of a spherical glass or copper vessel [(*a*) Fig. I] of about 8 inches

* Licenses are not at present given for the importation into British India of any explosives of these classes.

diameter, and with an aperture of about 5 inches; the bath is filled with water to within a quarter of an inch of the edge. It has a loose cover of sheet copper about 6 inches in diameter (*b*), and rests on a tripod stand about 14 inches high (*c*), which is covered with coarse iron wire gauze (*e*), and is surrounded with a screen of thin sheet tin or copper (*d*). Within the latter is placed an Argand burner (*f*), with glass chimney. The cover (*b*) has four holes arranged as seen in Fig. II, No. 4 to receive the regulator, No. 3 the thermometer, Nos. 1 and 2 the test-tubes containing the gun-cotton or other materials to be tested. Around holes 1 and 2 on the under side of the cover are soldered three pieces of brass wire with points slightly converging (Fig. III); these act as springs and allow the test-tubes to be easily placed in position and removed.

Fig. I.

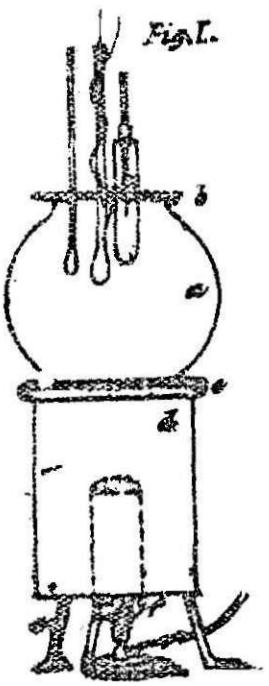


Fig. II.

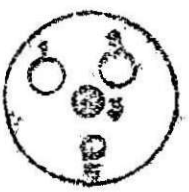


Fig. III.

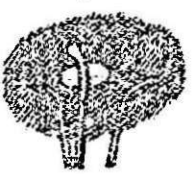


Fig. IV.

* 2. Scheibler's or Page's temperature regulator.

* 3. Two cells of Le Clanché's battery No. 1.
* 4. A few yards of insulated copper wire.
} if Scheibler's regulator is used.

5. Test tubes from 5¼ to 5½ inches long, and of such diameter that they will hold from 20 to 22 cubic centimeters of water when filled to a height of 5 inches.

6. India-rubber stoppers, fitting the test-tubes and carrying an arrangement for holding the test-paper, *viz.*, a narrow glass tube passing through the centre of the stopper, drawn out so as to form a hook, or terminating in a platinum wire hook (Fig. IV).

7. A thermometer, with range not less than from 30° to 212° Fahrenheit.

8. A minute clock.

* This is not absolutely required, as the temperature of the bath can be kept constant by proper attention to the heating flame.

Materials required.

(*a.*) *Test-paper.*—The test-paper is prepared as follows :—45 grains of white maize starch (cornflour), previously washed with cold water, are added to 8½ ounces of distilled water ; the mixture is stirred, heated to boiling, and kept gently boiling for 10 minutes ; 15 grains of pure potassium iodide (*i.e.*, which has been recrystallized from alcohol) are dissolved in 8½ ounces of distilled water. The two solutions are thoroughly mixed and allowed to get cold. Strips, or sheets, of white English filter paper previously washed with water and redried, are dipped into the solution thus prepared, and allowed to remain in it for not less than 10 seconds ; they are then allowed to drain and dry in a place free from laboratory fumes and dust. The upper and lower margins of the strips, or sheets, are cut off, and the paper is preserved in well-stoppered or cork, bottles, and in the dark.* The dimensions of the pieces of test-paper used are about $\frac{4}{10}$ inch by $\frac{8}{10}$ inch (10 mm. by 20 mm.).

(*b.*) *Standard tint paper.*—A solution of caramel in water is made of such concentration that when diluted one hundred times (10 cc. made up to 1 litre), the tint of this diluted solution equals the tint produced by the Nessler test in 100 cc. water containing 0·000075 grm. of ammonia or 0·00023505 grm. of chloride of ammonium. With this caramel solution lines are drawn on strips of white filter paper† by means of a clean quill-pen. When the marks thus produced are dry, the paper is cut into pieces of the same size as the test-paper previously described, in such a way that each piece has a brown line across it near the middle of its length, and only such strips are preserved in which the brown line has a breadth varying from ½ mm. to 1 mm. ($\frac{1}{50}$th of an inch to $\frac{1}{25}$th of an inch).

1.—TESTING DYNAMITE, BLASTING GELATINE, AND OTHER EXPLOSIVE OF THE FIRST DIVISION OF THE NITRO-COMPOUND CLASS.

A.—DYNAMITE, ETC., ETC.

Nitro-glycerine preparations, from which the nitro-glycerine can be extracted in the manner described below, *must* satisfy the following test, otherwise they will not be considered as manufactured

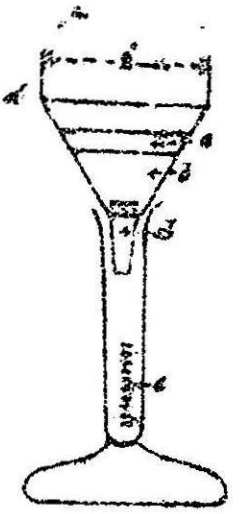
* When a paper is freshly prepared, and as long as it remains in good condition, a drop of dilute acetic acid put on the paper with a glass rod, produces no coloration. In process of time, however, the stronger the light to which the paper is exposed, the sooner a drop of the acid produces a brown or bluish coloration (a single hour of direct sunlight produces a marked effect), and whenever this is the case, the paper should be rejected. On this account it is advisable not to prepare too much of the test-paper at one time, but to prepare it fresh every month or so.

† This paper must be carefully washed with distilled water in the first instance, to remove any traces of bleaching matter and dried.

with "thoroughly purified nitro-glycerine" within the terms of the license.*

Apparatus required.

A funnel 2 inches across (*d*), a cylindrical measure divided into grains (*e*). (*See* sketch.)



Mode of Operation.

About 300 to 400 grains of dynamite (*b*) finely divided are placed into the funnel, which has previously been loosely plugged by some freshly-ignited asbestos (*a*).

The surface is smoothed by means of a flat-headed glass rod or stopper, and some clean washed and dried Kieselguhr (*c*) is spread over it to the depth of about $\frac{1}{8}$ inch.

Water is next carefully dropped from a wash bottle upon this Kieselguhr, and when the first portion has been soaked up, more is added; this is repeated until sufficient nitro-glycerine has been collected in the graduated measure (*e*) below.

If any water should have passed through with the nitro-glycerine, it should be removed with a piece of blotting paper, and the nitro-glycerine, if necessary, filtered through a dry paper filter.

Application of the Test.

The thermometer is fixed so as to be inserted through the lid of the water bath described under I, page 422, into the water (which is to be steadily maintained at a temperature of 160° Fahr.) to a depth of $2\frac{3}{4}$ inches. Fifty grains of nitro-glycerine to be tested, are weighed into a test-tube in such a way as not to soil the sides of the tube. A test-paper is

* This test, though at present looked upon as the most important, as far as testing the purity of the nitro-glycerine is concerned, is in England only one of several which any given sample of nitro-glycerine preparation has to satisfy in order to establish its compliance with the definition in the license.

fixed on the hook of the glass rod so that, when inserted into the tube it will be in a vertical position. A sufficient amount of a mixture of half distilled water and half glycerine to moisten the upper half of the paper is now applied to the upper edge of the test-paper, by means of a camel's-hair pencil, the cork carrying the rod and paper is fixed into the test-tube and the position of the paper adjusted, so that its lower edge is about half-way down the tube; the latter is then inserted through one of the perforations of the cover to such a depth that the lower margin of the moistened part of the paper is about five-eighths of an inch above the surface of the cover. The test is complete when the faint brown line which after a time makes its appearance at the line of boundary between the dry and moist part of the paper equals in tint the brown line of the standard tint paper.

The nitro-glycerine under examination will not be considered as "thoroughly purified" within the terms of the license unless the time necessary to produce the standard tint as above described is at least 15 minutes.

B.—BLASTING GELATINE, GELATINE DYNAMITE, AND ANALOGOUS PREPARATIONS.

Fifty (50) grains of blasting gelatine are to be intimately incorporated with one hundred (100) grains of French chalk.* The mixture is to be gradually introduced into a test-tube of the dimensions prescribed above for the dynamite heat test, with the aid of gentle tapping upon the table, between the introduction of successive portions of the mixture into the tube, so that when the tube contains all the mixture it shall be filled to the extent of $1\frac{3}{4}$ inches (one inch and three-quarters) of its height. The test-paper is then to be inserted and the heat is to be applied in the manner prescribed above for the dynamite heat test, and the sample tested is to withstand exposure to 160° Fahr. for a period of (10) ten minutes before producing a discoloration of the test-papers corresponding in tint to the standard colour test which is employed for governing the results of the dynamite heat test.

(For Exudation and Liquefaction tests for Blasting Gelatine, etc., etc., see Appendix, p. 429.)

N.B.—Non-gelatinized nitro-glycerine preparations, from which the nitro-glycerine cannot be expelled by water, are tested without any previous separation of the ingredients, the temperature being as above (160° Fahr.) and the time being seven (7) minutes.

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* This can be readily effected by carefully working the two materials together with a wooden pestle in a wooden mortar.

The French chalk should be of good commercial quality, and after being carefully washed with distilled water and dried in a water oven, it should be exposed under a bell jar to moist air until it has taken up about 0·5 per cent. of moisture. It should then be bottled for use; and with ordinary care the limits of 0·5 per cent. can be maintained in keeping.

C.—CORDITE AND BALLISTITE.

1. *Apparatus required.*

The apparatus necessary for the application of the heat test to cordite is identical with that described above (see page 422) for explosives of the nitro-compound class generally* with the addition of a mill and a nest of sieves similar to those used at Waltham Abbey for preparing the cordite for testing (see instructions below).

2. *Preparation of the sample to be tested.*

Pieces half an inch long are cut from one end of every stick selected for the test; in the case of the thicker cordites, each piece so cut is further subdivided into about four portions. These cut pieces are then passed two or three times through the mill, the first portion of material which passes through being rejected on account of the possible presence of foreign matter from the mill. The ground material is put on the top sieve of the nest of sieves and sifted. That portion which has passed through the top sieve and been stopped by the second is taken for the test. After each sample has been ground, the mill must be taken to pieces and carefully cleaned.

3. *Application of the Test.*

The thermometer is fixed so as to be inserted through the lid of the water bath, described under I, page 422, so as to be immersed in the water to a depth of $2\frac{3}{4}$ inches. The water is maintained at a constant temperature of 180° Fahr. When this temperature is reached, 25 grains of the sifted cordite are put into one of the test-tubes, and collected at the bottom by gentle tapping. A test-paper is fixed on to the hook of the glass rod, so that when inserted into the tube it will be in a vertical position. A mixture of equal parts of distilled water and pure glycerine (Price's) is now applied to the upper edge of the test-paper by means of a camel's-hair pencil, in sufficient amount to moisten the upper half; the stopper carrying the rod and paper is fixed into the test-tube and the position of the paper adjusted so that its lower edge is about half-way down the tube; the latter is then inserted through one of the perforations of the cover to the same depth as the thermometer. The lower margin of the moistened part of the paper should then be about five-eighths of an inch above the surface of the cover. The test is completed when the faint brown line, which after a time makes its appearance at the margin between the wet and dry portions of the test-paper, equals in depth of tint the brown line drawn on the standard tint paper.

4. The time which elapses between the insertion of the test-tube and the completion of the test must not be less than 15 minutes.

* In the Waltham Abbey apparatus the cover (Fig. II) has all the holes around the circumference, instead of having one in the centre and three around the circumference.

N.B.—In the case of ballistite the treatment is the same, except that when it is in a very finely granulated condition it need not be cut up.

II.—TESTING GUN-COTTON, SCHULTZE GUNPOWDER, E. C. POWDER, AND OTHER EXPLOSIVES OF THE 2ND DIVISION OF THE NITO-COMPOUND CLASS.

A.—GUN-COTTON, TONITE, ETC., ETC.

Sufficient material to serve for two or more tests is removed from the centre of the cartridge by gentle scraping, and, if necessary, further reduced by rubbing between the fingers.

The fine powder thus produced is spread out in a thin layer upon a paper tray 6 inches by 4½ inches, which is then placed inside a water oven, kept, as nearly as possible, at 120° Fahr.

The wire gauze shelves in the oven should be about 3 inches apart. The sample is allowed to remain at rest for 15 minutes in the oven, the door of which is left wide open.

After the lapse of 15 minutes the tray is removed and exposed to the air of the room for two hours, the sample being at some point within that time rubbed upon the tray with the hand, in order to reduce it to a fine and uniform state of division.

Application of the Test.

The cover of the water bath is fitted with the gas regulator which is inserted through the centre hole (No. 4). The thermometer is fixed into hole No. 3. The water in the bath is then heated to 170° Fahr., and the regulator set to maintain that temperature. Twenty grains of the sample to be tested are weighed out, placed in the test-tube, and gently pressed down until the specimen occupies a space of as nearly as possible $1\frac{5}{16}$ inches in a test-tube of the dimensions specified. A test-paper is affixed to the hook of the glass rod or tube, and moistened by touching the upper edge with a drop of distilled water containing 50 per cent. of Price's glycerine. The quantity of liquid used must be only sufficient to moisten about half of the paper. The cork carrying the rod and test-paper is then fixed into the test-tube, and the latter inserted into the bath to a depth of 2½ inches, measured from the cover, the regulator and thermometer being inserted to the same depth. The test-paper is to be kept near the top of the test-tube, but clear of the cork until the tube has been immersed for about five minutes. A ring of moisture will about this time be deposited upon the sides of the test-tube a little above the cover of the bath; the glass rod must then be lowered until the lower margin of the moistened part of the paper is on a level with the bottom of the ring of moisture in the tube; the paper is now closely watched. The test is complete when a very faint brown coloration makes its appearance at the line of boundary between the dry and moist parts of the paper.

The interval of time between the first insertion of the tube containing the sample of gun-cotton in the water at 170 and the first appearance of discoloration on the paper constitutes the test, and this interval of time must be not less than 10 minutes, or the sample will not be accepted as properly purified.

*B.—Gelatinized Gun-cotton Preparations.**

Twenty-five grains introduced into test-tube of the dimensions prescribed for the dynamite heat test, then proceed as for Blasting Gelatine, etc., taking the temperature at 180° Fahr., and the time as 15 minutes.

C.—Schultze Powder, E. C. Powder, Collodion Cotton, etc., etc.

Sufficient of the sample, without further mechanical division, is dried in the oven as above, and then exposed for two hours to the air. The test as directed above for Compressed Gun-cotton, etc., is then applied, the minimum duration of test being the same, *viz.*, 10 minutes.

D.—Picric Acid.

(1) The material shall contain not more than 0·3 part of mineral or non-combustible matter in 100 parts by weight of the material dried at 160° Fahr.

(2) One hundred parts of the dry material shall not contain more than 0·3 part of total (free and combined) sulphuric acid, of which not more than 0·1 part shall be free sulphuric acid.

(3) Twenty grains of the material shall stand the heat test as laid down for dynamite (see *ante*, p. 423) for not less than 15 minutes.

E.—Ammonite, Bellite, Roburite, and Explosives of similar Composition.

These are required to stand the same heat test as gun-cotton (see *ante*, p. 427.)

III.—TESTING CHLORATE MIXTURES.

No tests have yet been laid down, as at present there are no authorized explosives of this class, but in the event of any being authorized, it would be necessary to require that they should satisfy the heat test laid down for gun-cotton, and from time to time the degree of sensitiveness to percussion or friction (especially a glancing blow) should be observed.

* If in a compressed form it should be broken up in the same manner as cordite and ballistite.

APPENDIX.

EXUDATION AND LIQUEFACTION TEST FOR BLASTING GELATINE, GELATINE DYNAMITE, AND ANALOGOUS PREPARATIONS.

Test for Liquefaction.

A cylinder of blasting gelatine is to be cut from the cartridge to be tested, the length of the cylinder to be about equal to its diameter and the ends being cut flat.

The cylinder is to be placed on end on a flat surface without any wrapper, and secured by a pin passing vertically through its centre.

In this condition the cylinder is to be exposed for one hundred and forty-four (144) consecutive hours (six days and nights) to a temperature ranging from 85° to 90° Fahr. (inclusive), and during such exposure the cylinder shall not diminish in height by more than one-fourth of its original height, and the upper cut surface shall retain its flatness and the sharpness of its edge.

N.B.—If the blasting gelatine and the gelatine dynamite to be tested be not made up in a cylindrical form, the above test is to be applied with the necessary modifications.

Test for Liability to Exudation.

There shall be no separation from the general mass of the blasting gelatine or gelatine dynamite of a substance of less consistency than the bulk of the remaining portion of the materials under any conditions of storage, transport, or use, or when the material is subjected three times in succession to alternate freezing and thawing, or when subjected to the liquefaction test hereinbefore described. (G. I., H. D., Notn. No. 1394, dated 8th July 1897, *vide* G. N. No. 5283, dated 14 idem.)

3. In supersession of Government Notification No. 9724, dated 24th December 1889, and in exercise of the powers conferred by Section 5 of the Indian Explosives Act, IV of 1884, and with the previous sanction of the Governor General in Council, His Excellency the Governor in Council is pleased to make the following rules to regulate the transport of explosives within the limits of the Port of Bombay :—

Rules.

Rules 1, 2, 3, 4, 5 and 7 to regulate the transport of explosives made by the Governor General in Council and published under Government of India Notifications Nos. 1393 and 1394, dated 8th July 1897, and Government of Bombay Notification No. 5283, dated 14th idem, shall, subject to the following rules, apply to the transport of explosives within the limits of the port of Bombay :—

Rule (*a*).—The Master of any vessel arriving with explosives exceeding in weight 100 lbs. on board as cargo shall give notice thereof to the Pilot immediately on his boarding.

Rule (*b*).—No sea-going vessel having explosives on board in excess of 100 lbs. weight, excepting *explosives of Division I* of the Ammunition class* (*class 6*) shall carry the same nearer to the shipping or city of Bombay than one mile eastward of the Middle Ground Battery, and no vessel shall within such limits take on board from any other vessel more than 100 lbs. weight of explosives or such quantity as with explosives already on board would exceed in weight 100 lbs. excepting *explosives of Division I* of the Ammunition class* (*class 6*).

Rule (*c*).—Every sea-going vessel having more than 100 lbs. of explosives on board, excepting *explosives of Division I* of the Ammunition class* (*class 6*) shall carry during the day a square red flag at the fore truck and at night a red light in the same place in addition to the Regulation lights, and every vessel or boat used in transporting explosives, excepting as aforesaid, in the port of Bombay, shall exhibit on a board or otherwise the word "Explosives" painted in white letters a foot long on a black ground on each side of the vessel or boat above the water line. Vessels and boats employed in landing or shipping explosives, and having on board more than 100 lbs. explosives, excepting as aforesaid, when required to remain at anchor, shall anchor to the eastward of the shipping and not nearer to any of the shipping than half a mile to the east thereof.

Rule (*d*).—The consignee, agent or other person concerned shall give written notice 48 hours before the expected arrival of any vessel having explosives in excess of 100 lbs. weight on board, excepting *explosives of Division* I of the Ammunition class* (*class 6*) or before shipment of any such explosives, to the Port Officer and the Superintendent of Water Police, and the latter shall depute a special officer to remain in charge of such explosives until the same have been deposited in the magazine, or the vessel carrying the same proceeds to sea.

Rule (*e*).—The amount of explosives conveyed in any one vessel or boat at any one time shall not exceed 560 lbs. unless the vessel or boat has a closed deck approved by the Port Officer.

No decked boat or vessel shall carry more than 50 tons of explosives at one time. This rule does not apply to sea-going vessels.

Rule (*f*).—The Port Officer is authorized, on occasions when he may deem expedient, to permit ammunition when properly packed in cases, when such cases do not exceed fifty in number, to be shipped on board a vessel lying at the ordinary anchorage

* Division 1.—Safety cartridge, safety fuzes for blasting, railway fog signals, percussion caps, fuzes for shells, and tubes friction for guns, provided that there be no more than 5 fuzes or 25 tubes in one package, and that the package be a hermetically sealed metal cylinder.

on the day or the day before such vessel is intended to sail. Shipments shall be effected under the same precautions and conditions as are prescribed in these rules. Ammunition permitted to be shipped under this rule must be taken in immediately on the boat going alongside, and no cargo boat or other vessel having fire on board shall be permitted to lie on the same side of the vessel during the time of such shipment.

Rule (*g*).—If any person commits a breach of any of the foregoing rules (*a*) to (*f*) he shall be *liable to a* fine which may extend to one thousand rupees.

(G. N. No. 9270, dated 22nd December 1897.)

4. In exercise of the powers conferred by Section 5 of the Indian Explosives Act IV of 1884, the Governor of Bombay in Council is pleased, with the previous sanction of the Governor General in Council, to make the following rules to regulate the transport of explosives within the limits of the port of Karáchi :—

Rules.

Rules 1, 2, 3, 4, 5 and 7 to regulate the transport of explosives made by the Governor General in Council and published under Government of India Notification No. 1417, dated the 24th June 1887, and Government of Bombay Notification No. 3956, dated the 29th June 1887, shall, subject to the following rules, apply to the transport of explosives within the limits of the port of Karáchi :

Rule (*a*).—The master of any vessel arriving with explosives exceeding 100 lbs. in weight on board as cargo shall give notice thereof to the pilot immediately on his boarding.

Rule (*b*).—No sea-going vessel having gunpowder or other explosives in excess of 100 lbs. weight on board entering the port of Karáchi shall proceed, during the prevalence of the south-west monsoon *i.e.*, in the interval between the 15th day of May and the 30th day of September (both days inclusive) farther than No. 5 Manora Swinging Mooring, or at any other season of the year, farther than the Deep Water Point Moorings, until such excess quantity has been discharged and deposited in the Port Department Magazine erected on the spit between the Island of Baba and the Quarantine Buildings, or such other place as Government may direct, and no vessel shall take on board within the above limits any quantity in excess of the 100 lbs. above mentioned. G. N. No. 3752 dated 3rd June 1891.

Rule (*c*).—When receiving or delivering such gunpowder or other explosives, the master of any vessel is to see that the platform in the vessel's hold, the gangways and combings of the hatchways are covered with tanned hides or other suitable paddings, that the barrels or boxes are carefully stowed and the hatches properly secured and

locked, and that the key remains in his own possession.

Rule (*d*).—A cushion (stuffed with white oakum) covered with leather is to be used for landing all such powder barrels or cases upon, whether in the hold of the vessel, in the boats, or on the wharf, when landing or discharging powder or other explosives.

Rule (*e*).—After the vessel has been discharged, the hides, hair-cloths, &c., are to be removed and the hold carefully cleaned out.

Every such vessel as last aforesaid when at anchor at night in the road-stead, or in the track of shipping, is to show a mast-head light, and every such vessel when under weigh at night is to show side-lights according to the Admiralty Regulations.

Rule (*f*).—Barges, lighters, boats and vessels carrying such gunpowder or other explosives, shall not when at anchor lie closer than half a mile from any of the shipping or public landing places.

G. N. No. 163, dated 11th January 1899.

Rule (*g*).—Every sea-going vessel having more than 100 lbs. of explosives on board excepting explosives of Division I* of the Ammunition class (class 6) shall carry during the day a square red flag at the fore truck and at night a red light in the same place in addition to the regulation lights. The master and all the crew are to remain on board until the gunpowder or other explosive stores are discharged, unless it be necessary to procure water or provisions, in which case notice is to be given to the Port Officer, but the vessel is not to be left without an officer on board.

Rule (*h*).—Vessels, barges and boats having or taking on board such gunpowder or other explosives, are to be kept scrupulously clean and free from loose gunpowder.

Rule (*i*).—In shipping or discharging such gunpowder or other explosives tanned hides or wadmiltilts are to be laid down in that portion of the vessel over which the cases or barrels pass.

Rule (*j*).—All boats laden with such gunpowder or other explosives are to remain at anchor off the magazine above-mentioned until orders are received to land the same.

Rule (*k*).—Only decked boats with closed-in hatches under lock and key (the latter to remain in charge of the official deputed to superintend the discharge of the gunpowder or other explosives) are to be employed for the conveyance of gunpowder or other explosives, and they are to have a moveable board attached to the bow and stern a foot long with the word "Explosives"

* Division I.—Safety cartridges, safety fuzes for blasting, railway fog signals, percussion caps, fuzes for shells, and tubes friction for guns, provided that there be no more than 5 fuzes or 25 tubes in one package, and that the package be a hermetically sealed metal cylinder.

painted in white letters on a black ground, and a red flag is to be kept hoisted during the time any such gunpowder or other explosives are on board.

Rule (*l*).—The consignee, agent or other person concerned shall give written notice, twenty-four hours before the expected arrival or intended shipment of any such explosives, to the Port Officer, who shall depute an officer to remain in charge of such explosives until the same have been deposited in the magazine or stowed on board any vessel conveying it elsewhere.

Rule (*m*).—The Port Officer is authorized on occasions when he may deem it expedient to permit ammunition properly packed in cases, when such cases do not exceed 50 in number, to be shipped on board a vessel lying at the ordinary anchorage on the day or the day before such vessel is intended to sail. Shipment shall be effected under the same precautions and conditions as are prescribed in the rules for the shipment of explosives on board vessels lying off the Deep Water Point Moorings. Ammunition permitted to be shipped under this rule must be taken in immediately on the boat going alongside, and no cargo-boat or other vessel having fire on board shall be permitted to lie on the same side of the vessel during the time of such shipment.

Rule (*n*).—If any person commits a breach of any of the foregoing rules (*a*) to (*m*), he shall be punished with fine which may extend to one thousand rupees.

Rule (o_1).—The following explosives are exempted under Section 5 (2) (*f*) from the operation of the above rules:— G. N. No. 6590, dated 18th September 1890.

Safety fuze; safety cartridges; percussion caps.

Rule (o_2).—The following explosives are exempted from the operation of the foregoing rules and of Rules 1, 2, 3, 4, 5 and 7 of the above mentioned rules of the Governor General in Council so far as regards the limits of the port of Karáchi, *viz.*, G. N. No. 7164, dated 2nd October 1893.

1 railway fog signals.

2 fire works.

(G. N. No. 9724 A, dated 24th December 1889.)

5. In exercise of the powers conferred by Section 5 of the Indian Explosives Act IV of 1884, the Governor of Bombay in Council is pleased, with the previous sanction of the Governor General in Council, to make the following rules to regulate the transport of explosives within the limits of the port of Aden:—

Rules.

Rules 1, 2, 3, 4, 5 and 7 to regulate the transport of explosives made by the Governor General in Council and published under Government of India Notification No. 1417, dated the 24th June 1887. and Government of Bombay Notification No. 3956,

dated the 29th June 1887, shall, subject to the following rules, apply to the transport of explosives within the limits of the port of Aden:

Rule (*a*).—The master of any vessel arriving with explosives exceeding in weight 100 lbs. on board as cargo shall give notice thereof to the pilot immediately on his boarding, but if any vessel is not boarded by a pilot it should display a distinguishing flag by day and a light by night.

G. N. No. 163 A, dated 11th January 1899.

Rule (*b*).—No sea-going vessel having explosives in excess of 100 lbs. weight on board intended to be discharged, moved or exposed in any way shall enter the inner harbour or anchor within 800 yards of the light ship or 600 yards of the nearest vessel, and no vessel or boat shall within the inner harbour or 800 yards of the light ship take on board from any other vessel or boat explosives exceeding 100 lbs. in weight. Every sea-going vessel having more than 100 lbs. of explosives on board excepting explosives of Division-I* of the Ammunition class (class 6) shall carry during the day a square red flag at the fore truck and at night a red light in the same place, in addition to the regulation lights.

Rule (*c*).—Explosives brought to Aden for the use of Government may be landed at the Pier of Obstruction or at the Pilots' Bandar at Steamer Point and deposited in the magazines belonging to Government. Government consignees must send a properly qualified person to take delivery from the ship.

Rule (*d*).—Explosives brought to Aden on regular licenses for local consumption shall be landed at the Pilots' Bandar, and deposited in the Port Magazine until cleared in accordance with the license.

Rule (*e*).—Explosives brought to Aden for transhipment shall, if there is not sufficient accommodation in the Port Magazine, be discharged and deposited in decked boats with closed hatches; such boats shall lie at anchor at least 600 yards north from No. 14 Buoy in bad weather, and 600 yards north from the Lightship in fine weather, and shall keep a red flag flying until the cargo is transhipped on regular licenses. If such consignment can be stored in the Port Magazine, it shall be landed at the Pilots' Bandar and deposited in the Port Magazine until transhipped on regular licenses.

Rule (*f*).—No boats shall be used for the conveyance or deposit of explosives excepting decked boats approved by the Port Officer, with closed hatches under lock and key, and they shall have the word "Explosive" in white letters a foot long painted on a black ground on each side of the boat

* Division I.—Safety cartridges, safety fuzes for blasting, railway for signals, percussion caps, fuzes for shells, and tubes friction for guns, provided that there be no more than 5 fuzes or 25 tubes in one package, and that the package be a hermetically sealed metal cylinder.

above the water line and shall keep a red flag hoisted during the time any such explosives are on board, provided that safety cartridges not exceeding 4,000 in quantity may be landed in such manner as the Port Officer may direct, and shall be deposited in accordance with rule (*d*).

Rule (*g*).—All boats laden with explosives, when required to remain at anchor, shall lie in bad weather at least 600 yards north from No. 14 Buoy and in fine weather at least 600 yards north from the Lightship.

Rule (*h*).—The consignee, agent, or other person concerned in the explosives described in Rule (*e*) shall, within one hour after the arrival of the vessel, give written notice to the Port Officer and the Assistant Resident in charge Police and A'bkári, and the last-named officer shall depute a special officer to remain in charge of such explosives until the same has been transhipped.

Rule (*i*).—The Port Officer is authorized, on occasions when he may deem it expedient, to permit ammunition properly packed in cases, when such cases do not exceed fifty in number, to be shipped on board a vessel lying at the ordinary anchorage in the Inner Harbour on the day or day before such vessel is intended to sail; ammunition permitted to be shipped under this rule must be taken in immediately on the boat going alongside, and no cargo boat or other vessel having fire on board shall be permitted to lie in the vicinity of the vessel during the time of such shipment. All fires and lights on deck must be put out one hour before any explosives are taken on board or discharged, and the fires of the main boilers must be banked unless ordered to be put out.

Rule (*j*).—If any person commits a breach of any of the foregoing rules (*a*) to (*i*) he shall be punished with fine which may extend to one thousand rupees.

(G. N. No. 9724 B, dated 24th December 1889.)

6. The Chemical Analyser to Government is authorized to grant the certificates referred to in clause IX of Rule 6 of the rules published in the Notification of the Government of India No. 1417,* dated 24th June 1887, he being the officer qualified to certify to the purity of explosives and to pronounce an opinion upon the question of their deterioration. (G. R. No. 4516, dated 9th July 1888.)

*Superseded by the Notn. of the G. of I., No. 1393, dated 8th July 1897. (Bo. Govt. Notn. No. 5283, dated 14th idem.)

7. The Railway Administrations may refuse to receive for conveyance any consignment of explosives until they have satisfied themselves that the certificate referred to in Rule 6 (XI) of the Government of India Notification No. 1417,† dated 24th June 1887, tendered therewith, actually refers to that consignment and otherwise satisfies the conditions laid down in the rules. (G. R. No. 3803, dated 26th May 1893.)

†Ditto.

8. The Port Trustees, as Conservators of the Port of Bombay, should undertake the conduct of

prosecutions in cases of breaches of the rules applying to the transport of explosives within the port of Bombay published in Government Notification No. 9724,* dated 24th December 1889. (G. Rs. Nos. 4396, dated 23rd June 1890, and 4860, dated 14th July 1890.)

*Superseded by G. N. No. 9270, dated 22nd December 1897.

9. As all explosives which are the property of Government are exempted from the operations of the Indian Explosives Act, 1884, no rules under it can be framed which could apply to such explosives. In the opinion of the Government of India, it would be better that Government Departments should follow the local rules for regulating the transport of explosives within each port than that special rules for Government explosives generally applicable to the whole of British India should be prescribed. The local rules which should be observed in the transport of explosives within the limits of the ports of Bombay, Aden and Karáchi are those sanctioned in Home Department letter No. 2322,† dated 6th December 1889. (G. I., H. D., No. 1406, dated 21st July 1890; *vide* G. Rs. Nos. 5583, dated 11th August 1890, and 7164, dated 2nd October 1890.)

10. The prescribed rules for the conveyance by rail of explosives and dangerous goods should be observed in respect of acids and similar dangerous articles consigned from England to Government Departments up-country. No exception should be made in this matter in favour of Government property. (G. R. No. 1612, dated 3rd March 1891.)

11. Carbolic acid is one of a large group of articles which come within the category of "Dangerous goods" and are apt to leak badly in railway transit. The rules of the G. I. P. Railway Company for the packing and conveyance of these goods lay down that the articles "must be contained in strong tins or in bottles corked and sealed, which must be enclosed in wooden boxes and securely packed in sawdust" so that they may be loaded in ordinary wagons. If they are not so packed, it is more than probable that other consignments in the same wagon will be spoiled and the Railway Company will be liable for damage to other goods. The Railway Company is, therefore, right in refusing to accept such articles except when packed as required by the rules, and the Governor in Council does not see that any case has been made out for the relaxation of those rules.

12. If the Commissariat Department desires to send drums of carbolic acid in their original English packing it might do so in special vans, but it is for that Department to consider which is the cheaper mode of transit.

(G. R. No. 6559, dated 13th August 1892.)

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‡Superseded by G. N. No. 9270, dated 22nd December 1897.

† *Vide* Government Notifications Nos. 9724,‡ 9724-A and 9724-B, dated 24th December 1889, *supra*.

II.—MANUFACTURE, POSSESSION AND SALE.

1. In supersession of Government Notification No. 4116, dated 5th July 1887, and in exercise of the powers conferred by Sections 5 and 7 of the Indian Explosives Act (IV of 1884) and with the previous sanction of the Governor General in Council, His Excellency the Governor in Council is pleased to make the following rules to regulate the manufacture, possession and sale of explosives in the Presidency of Bombay.

Nothing in these rules relating to the possession of explosive shall apply in any port, as defined in the Indian Ports Act, 1889, for which the Local Government may have made, or may make, special rules under the Indian Explosives Act (IV of 1884) to regulate the possession of explosive.

Nothing in these rules shall apply to the manufacture, possession or sale of any explosive—

(*a*) by order of the Government, or

(*b*) by any person employed under the Government in the execution of the Indian Explosives Act (IV of 1884), or as a keeper of a magazine, artizan, soldier, sailor, policeman, or otherwise, or enrolled as a Volunteer under the Indian Volunteers Act (XX of 1869), in the course of his employment or duty as such.

Rules under the Explosives Act, 1884, for the Manufacture, Possession and Sale of Explosives in the Presidency of Bombay.

PRELIMINARY.

[Rule 1 is identical with Rule 1 under the Transport and Import Rules.]

MANUFACTURE, POSSESSION, AND SALE.

(*a*) *General Rules.*

2. An explosive shall not be manufactured except under and in accordance with the conditions of a license to manufacture the explosive granted under these rules :

Provided that this rule shall not apply—

(*a*) to the making of a small quantity of an explosive for the purpose of chemical experiment, and not for practical use or for sale ; or

(*b*) to the filling for private use, and not for sale, of any safety cartridges to the amount allowed by these rules to be possessed for private use.

3. Whoever manufactures an explosive in contravention of Rule 2, he shall be punishable with fine which may extend to three thousand rupees.

4. An explosive shall not be possessed except under, and in accordance with, the conditions of a license to possess the explosive granted under these rules :

Provided that this rule shall not apply—

(1) to a person possessing for his private use and not for sale—

(*a*) gunpowder to an amount not exceeding on the same premises 30 lbs., or in lieu of the said quantity of gunpowder 15 lbs. of any other explosive, or in lieu of any less amount of gunpowder not so possessed, half that amount of other explosive; or

(*b*) gunpowder contained in safety cartridges to an amount not exceeding 150 lbs., or in lieu thereof 150 lbs. of any explosive contained in ammunition of the 1st division of class 6, or in lieu of any less amount of gunpowder not so possessed, that amount of any explosive so contained:

Exception.—Nothing in the foregoing portion of the proviso to this rule shall be held to authorize the possession for private use—

(*a*) of any explosive of the 5th (fulminate) class; or

(*b*) of any explosive whereof the possession has been prohibited absolutely by notification under Section 6 of the Indian Explosives Act (IV of 1884); or

(*c*) where the possession of an explosive has by notification under that section been prohibited, subject to conditions, of any such explosive except subject to those conditions:

(2) to the possession of an unlimited quantity of fireworks, if obtained and intended for immediate use and not for sale, and if kept for a period not exceeding 14 days in a safe and suitable place, and with all due precautions for the public safety:

(3) to the possession of any explosive by a carrier or other person for the purpose of transport when the same is being kept or transported in accordance with the provisions of the rules made under the Indian Explosives Act (IV of 1884) with respect to the transport of such explosive: or

(4) to the possession of any gunpower, rockets or other explosive on board any ship in pursuance of the provisions of the Merchant Shipping Acts for the time being in force, or any order or regulation under those Acts.

(5) Whoever possesses an explosive in contravention of Rule 4 shall be punishable with fine which may extend to one thousand rupees.

6. An explosive shall not be sold except under, and in accordance with, the conditions of a license to sell the explosive granted under these rules:

Provided that this rule shall not apply to any person selling any explosive which for his own private use he lawfully possesses, to any person who is not legally prohibited from possessing the same.

7. Whoever sells an explosive in contravention of Rule 6 he shall be punishable with fine which may extend to five hundred rupees.

(*b*) *Licensing of the manufacture, possession and sale of gunpowder and certain explosives.*

8. Licenses to manufacture, possess and sell, or to possess and sell, or to possess an explosive of the 1st (gunpowder) class or of the 1st division of the 6th (ammunition) class, or of the 7th (firework) class, to such total amount during the currency of the license, and in such places as shall be approved by the licensing officer, may be granted in a Presidency town and its suburbs by the Commissioner of Police, and elsewhere by the District Magistrate:

Provided that nothing in any such license shall be deemed to entitle the license-holder to keep at the same time in the place to which the license applies more than 200 lbs. of gunpowder, 500 lbs. of explosive contained in ammunition of the 1st division of the 6th (ammunition) class, and 200 lbs. of fireworks, or any such less quantity of any of these explosives as the licensing officer may direct in this behalf.

9. The following fees shall be paid for every license granted under the last foregoing rule, namely:—

(1) a fee of twenty rupees for every license to manufacture, possess and sell the maximum quantity of explosive mentioned in the last foregoing rule, or any less quantity;

(2) a fee of ten rupees for every license to manufacture, possess and sell half the quantity of explosive mentioned in the last foregoing rule, or any less quantity;

(3) a fee of five rupees for every license to manufacture, possess and sell a fourth of the quantity of explosive mentioned in the last foregoing rule, or any less quantity;

(4) a fee of ten rupees to possess and sell the maximum quantity of explosive mentioned in the last foregoing rule, or any less quantity;

(5) a fee of five rupees to possess and sell half the quantity of explosive mentioned in the last foregoing rule, or any less quantity;

(6) a fee of two rupees eight annas to possess and sell a fourth of the quantity of explosive mentioned in the last foregoing rule, or any less quantity; and

(7) a fee of eight annas for every license to possess explosives.

10. Every license granted under Rule 8 shall be in Form A, B or C in the schedule hereto annexed, as the case may be, and shall be subject to the conditions prescribed therein.

11. Whoever commits a breach of any condition subject to which a license under Rule 8 is granted, shall be punishable with fine which may extend to five hundred rupees.

(c) Licensing of the manufacture of other explosives.

12. Licenses to manufacture explosives other than those referred to in Rule 8 shall be granted by the Governor General in Council on payment of such fees, in such form, for such term and subject to such conditions as the Governor General in Council may in each case prescribe:

Provided that the Governor General in Council shall, in the case of any such license, prescribe all the conditions which are hereinafter prescribed for licenses to possess an explosive of the same description and quantity as the manufacturing license is to cover.

13. Whoever commits a breach of any condition subject to which a license under Rule 12 is granted, shall be punishable with fine which may extend to three thousand rupees.

(d) Licensing of the possession of small quantities of other explosives.

14. Licenses for the possession, at such places as shall be approved by the licensing officer, of explosives other than those specified in Rule 8 may, if the explosive is not one of the 5th (fulminate) class, and if the quantity to be possessed at the same time does not exceed 60 pounds, be granted in a Presidency-town and its suburbs by the Commissioner of Police, and elsewhere by the District Magistrate.

15. Every license granted under Rule 14 shall be in Form D in the schedule hereto annexed, and shall be subject to the conditions prescribed therein. A fee of five rupees shall be paid for every such license.

16. Whoever commits a breach of any condition subject to which a license under Rule 14 is granted, shall be punishable with fine which may extend to one thousand rupees.

(e) Licensing of the possession of explosives generally.

17. Licenses for the possession of explosives other than those which may be issued under Rules 8 and 14 may, if the explosive is not one of the 5th (fulminate) class, be granted by the Local Government in accordance with the following procedure :—

(1) The applicant shall submit to the District Magistrate, or, in a Presidency-town and its suburbs, to the Commissioner of Police, an application in writing accompanied by a plan (drawn to scale) of the place in which it is proposed to keep the explosive (herein referred to as the magazine) and the site thereof.

(G. N. No. 2621, dated 18th April 1898).

Note.—If an application has already been made to the Local Government for the grant or approval of a site for a magazine or for permission to erect a magazine for the storage of the explosives in respect of which the application for license is being made, the fact should be so stated in the application for the license and a copy of any order or orders passed on the subject should be appended.

(2) The application shall specify such of the following matters as are applicable, namely—

(*a*) the boundaries of the land forming the site of the magazine, and either any belt of land surrounding the site which is to be kept clear, and the buildings and works from which it is to be kept clear, or the distances to be maintained between the magazine, or any part thereof, and other buildings and works;

[If a table of minimum distances has been prescribed in this behalf by the Governor General in Council, or the Local Government with the sanction of the Governor General in Council, the distances to be maintained between the magazine and the various kinds of buildings shall not be less than those specified for the explosive in question (when stored in the quantity intended) in the Government list of distances. Pending the issue of such table of distances as aforesaid, the requisite information as to the distance to be maintained between the magazine, or any part thereof, and other buildings and works, shall be given in Form G in the schedule hereto annexed, which form should be obtained by the applicant from the Chief Inspector of Explosives, Madras and Bombay Presidencies.] (G. N. No. 2621, dated 18th April 1898).

(*b*) the situation, character and construction of all the mounds, buildings, and works on or connected with the magazine, and the distances thereof from each other;

(*c*) the amount of explosives and of ingredients thereof wholly or partly mixed to be allowed at the same time within the boundaries of the magazine; and

(*d*) any special terms which the applicant may propose by reason of any special circumstances arising from the locality, the situation or construction of any buildings or works, or the nature of any process or otherwise.

(3) Upon receipt of the said application—

(*a*) The District Magistrate or Commissioner of Police, as the case may be, shall thereupon cause notice to be published of the application, and fix a date on which any persons shall be heard objecting to the establishment of a magazine on the proposed site, who have not less than seven clear days before the day of hearing sent to the said District Magistrate or Commissioner of Police, and to the applicant, notice of their intention to appear and object, with their name, address, and calling, and a short statement of the grounds of their objection.

(*b*) Where the site of the proposed magazine is situate within, or within one mile of, the limits of the jurisdiction of any Municipality or of any Port authority, the applicant shall serve on such authority notice of the application, and of the date of hearing by the District Magistrate or Commissioner of Police.

(*c*) The said notices shall be published and served at the cost of the applicant by the District Magistrate or Commissioner of Police not less than one month before the date of hearing.

(*d*) The District Magistrate or Commissioner of Police shall fix the date of hearing as soon as practicable after application is made to him, and the time so fixed shall be as soon as practicable after the expiration of the said month from the publication and service of the notices by the applicant.

(*e*) On consideration of the application, and on making such enquiry as may be deemed necessary, the District Magistrate or Commissioner of Police may dissent altogether from the establishment of such new magazine on the proposed site, or assent thereto, either absolutely, or on any conditions requiring additional restrictions or precautions.

(*f*) On the completion of the enquiry, the District Magistrate or Commissioner of Police shall forward the application with his recommendation to the Local Government. The Local Government may thereupon grant the license applied for, either in accordance with the recommendation of the District Magistrate or Commissioner of Police, or with the addition of any additional restrictions and precautions as may be deemed proper, or may refuse such license:

Provided that, if the distance of the proposed magazine from any dwelling-house, highway, street, public thoroughfare or public place is less than 200 yards, or if for any other reason it considers it advisable to do so, the Local Government shall, before granting the license, obtain the opinion of an Inspector of Expolsives after inspection of the place by him.

If a table of distances to be observed has been prescribed, it will be sufficient to see that the provisions regarding the minimum distance so laid down for the case is not infringed.

Provided that, if the application is for the renewal of a license issued prior to the issue of the table of distances, the Local Government may, if the Inspector of Explosives advises that this can be done without danger, renew the license without requiring that the table of distances shall be complied with.

(*g*) If the Local Government grant a license, it shall forward the same to the District Magistrate or Commissioner of Police, who, when satisfied that the magazine is sufficiently completed according to the license to justify the use thereof, shall confirm the license; but, until so confirmed, the license shall not come into force.

18. A fee of Rs. 20 shall be paid for every license granted under Rule 17.

19. Every license granted under Rule 17 shall be in Form E in the schedule hereto annexed, and shall be subject to the conditions prescribed therein.

19A. When the previous sanction of the Government of India and subject to any conditions or restrictions that may be deemed necessary, the Local Government may authorize the possession of explosives under Rule 17 in a floating magazine, and may direct the necessary modifications in the procedure prescribed in Rule 17 and in license Form E in such special cases.

20. Whoever commits a breach of any conditions subject to which a license under Rule 17 is granted shall be punishable with fine which may extend to one thousand rupees.

21. Licenses for the possession of explosives of the 5th (fulminate) class shall be granted by the Governor General in Council on payment of such fees and in such form, and subject to such conditions, as he may in each case prescribe.

22. Whoever commits a breach of any condition subject to which a license is granted under Rule 21 shall be punishable with fine which may extend to one thousand rupees.

(*e*) *Licensing of the sale of other explosives.*

23. Licenses for the sale of explosives other than those referred to in Rule 8 may be granted in a Presidency-town and its suburbs by the Commissioner of Police, and elsewhere by the District Magistrate, to any person licensed to possess the same.

24. A fee of five rupees shall be paid for every license granted under Rule 23.

25. Every license granted under Rule 23 shall be in Form F in the schedule hereto annexed, and shall be subject to the conditions therein prescribed.

26. Whoever commits a breach of any condition subject to which a license under Rule 23 is granted, shall be punishable with fine which may extend to five hundred rupees.

(*f*) *Supplementary.*

27. The officers hereinunder mentioned are authorized, within the areas respectively specified below,—

(*a*) to enter, inspect and examine any place, carriage or vessel in which an explosive is being manufactured, possessed, used, sold, transported or imported under a license granted under the Indian Explosives Act (IV of 1884) or in which they have reason to believe that an explosive has been or is being manufactured, possessed used, sold, transported or imported in contravention of that Act, or of the rules thereunder;

(*b*) to search for explosives therein;

(*c*) to take samples of any explosive found therein, on payment of the value thereof; and

(*d*) at their discretion to seize, detain, remove and, if necessary for the public safety, destroy any explosive found therein in respect of which there may be reason to believe that the provi-

sions of the said Act or of the rules thereunder have been contravened.

Areas.	*Officers.*
In all parts of the Presidency of Bombay.	The Superintendent of the Gunpowder Factory, Kirkee. The Assistant Superintendent of the Gunpowder Factory, Kirkee.
Within their respective districts.	All District Magistrates.
Within the areas respectively subject to their jurisdiction.	All Magistrates subordinate to the District Magistrate.
In the Town of Bombay and its suburbs.	The Commissioner of Police, Bombay, and all Police officers of rank not below that of Inspector, if specially deputed in that behalf by the Commissioner of Police.

Provided that—

(1) whenever the Superintendent or the Assistant Superintendent of the Gunpowder Factory, Kirkee, or any Magistrate subordinate to the District Magistrate seizes, detains or removes any such explosive, he shall report the fact to the District Magistrate; and that

(2) neither the Superintendent nor the Assistant Superintendent of the said Factory, nor any Magistrate subordinate to the District Magistrate, shall destroy any such explosive without the previous sanction of the District Magistrate.

23. A person licensed to possess an explosive shall not be required to take out a license for the manufacture of the explosive by reason that in connection with his magazine or licensed premises he fills for sale or otherwise any cartridges for small arms with the said explosive:

Provided that he observes the following regulations, namely:—

(1) There shall not be in the room in which such filling is being carried on more than five pounds of gunpowder, or an amount to be prescribed by the Local Government in this behalf of any other explosive, except it is made up into safety cartridges;

(2) Any work unconnected with the making of the cartridges shall not be carried on in the room while such filling is being carried on;

(3) There shall not be in the room while such filling is being carried on any fire nor any artificial light, except a light of such construction, position or character as not to cause any danger of fire or explosion;

(4) The room in which the filling is carried on shall be detached from the magazine, but in the immediate neighbourhood thereof, and at such distance therefrom as may be specified on the license by the authority granting the same; and

(5) The occupier shall give notice to the authority granting his license that he intends to carry on such filling of cartridges as is allowed by this rule.

28A. A person licensed to possess an explosive shall not be required to take out a license for manufacture by reason that, in connection with his magazine or licensed premises he, by filling cartridges, making charges, dry, sifting, fitting or otherwise, adapts or prepares the said explosive for use exclusively in his mine or quarry or in some excavation or work carried on by him, or under his control.

Provided that he observes the following regulations, namely:—

(1) There shall not be in the workshop in which such adaptation or preparation is carried on more than 100 lbs. of gunpowder, or an amount to be prescribed by the Local Government in this behalf of any other explosive;

(2) Any work unconnected with such adaptation or preparation shall not be carried on in the said workshop while adaptation or preparation is being carried on;

(3) The said workshop shall be detached from the magazine, but in the immediate neighbourhood thereof, and at such distance therefrom as may be specified on the license by the authority granting the same;

(4) An explosive of one description shall not be converted into the explosive of another description, and shall not be unmade or resolved into its ingredients; and

(5) The occupier shall give notice to the authority granting his license that he intends to carry on such adaptation or preparation as is allowed by this rule.

GENERAL.

29. Every license granted under these rules shall be liable to be forfeited on breach of any of the conditions subject to which it is granted.

30. If a person licensed to manufacture, possess or sell an explosive, dies or becomes bankrupt, or becomes mentally incapable or otherwise disabled, the person carrying on the business of such licensee shall not be liable to any penalty or forfeiture under the Indian Explosives Act (IV of 1884) or the rules thereunder for carrying on the business or acting under the license during such reasonable time as may be necessary to allow him to make an application to the authority granting the license for a new license in his own name during the currency of the unexpired portion of the original license. Such new license shall be granted on payment of one rupee.

31. The fees leviable under these rules shall be taken in the shape of impressed stamps. Applications for licenses or renewals of licenses shall, if not otherwise provided, be written on plain paper, the licenses themselves being issued on impressed stamps of value equal to the amount of fee leviable in respect of such licenses or renewals.

32. All licenses except licenses to manufacture an explosive under Rule 12, or to possess explosive of the 5th (fulminate) class under Rule 21, shall

expire on the 31st December of the year for which they are granted. Licenses granted under Rule 12, 21, shall be current for the terms therein specified. But the currency of a license may, unless the circumstances have so changed that the grant of a new license would either not be authorized under the Act and the rules, or is deemed objectionable by the licensing authorities an application previous to its expiration, be renewed on payment of the original fee.

33. When a license granted in accordance with these rules is lost, or accidentally destroyed, a duplicate may be granted to the licensee on payment of a fee of eight annas.

34. Any person holding a license, or acting under a license, granted in accordance with these rules, shall be bound to produce the same, when called upon to do so by any Inspector of Explosives or any Magistrate or by any Police officer in charge of a Police station, or by any Police officer of higher rank.

35. All Magistrates or other authorities acting under these rules shall perform their duties subject to the control of their executive superiors and of the Local Government.

36. Any authority empowered to grant a license under the foregoing rules may, if he thinks fit, direct by an order written on the license that it shall have the effect of a like license under the Indian Arms Act (XI of 1878).

G. N. No. 8364, dated 28th December 1898.

37. Any persons lawfully entitled under the Indian Arms Act (XI of 1878), or the rules thereunder, to possess any explosive coming under the head of ammunition as defined in that Act, may possess, without license under these rules, any such explosive in such quantities as may be prescribed, by that Act, or the rules thereunder, or, when no quantities are prescribed, in reasonable quantities for his own private use.

SCHEDULE.

Form A.

(*See Rule 8.*)

FEE— RUPEES IN STAMPS.

License to manufacture, sell, and possess gunpowder or an explosive of the 1st division of the 6th (Ammunition) class or of the 7th (Firework) class.

Granted in a Presidency-town and its suburbs by the Commissioner of Police and elsewhere by the District Magistrate.

Name, &c., of license-holder, and place of residence.	Place of business, factory, or shop.	Maximum quantity of explosive to be kept at any one time.	Description and quantity to be manufactured during the year.	Description and quantity to be possessed and sold during the year.	Date on which license expires.
					The 31st of December 189 .

_____ *District.*
_____ *189* .

Seal.

(Signature)

_____ *of* _____

Conditions.

1. This license is given subject to the provisions of the Indian Explosives Act (IV of 1884) and the rules thereunder.

2. The license-holder shall keep records and accounts of all explosive manufactured, of all stock in hand, and of all sales, in such form as the Local Government may from time to time direct.

3. The license-holder shall exhibit his stock and his books of manufacture and sales to any Magistrate or to any Police officer not below the rank of Inspector, when such officer may call upon him so to do.

4. The explosive shall be manufactured in a tent or any lightly constructed building exclusively appropriated for the purpose and separated from any dwelling-house by the distance—

(*a*) in the case of gunpowder, of 100 yards,

(*b*) in the case of an explosive of the 1st division of the 6th (Ammunition) class or of the 7th (Firework) class, of 50 yards,

and by the same distances from any highway, street, public thoroughfare, or public place. In the case of filling cartridges for small arms the operation may, if preferred, be carried out in the upper room of a building: Provided that no more than 5 lbs. of explosive (except such as may be contained in safety cartridges) shall be in the room where the operation is being carried on. In all other cases the manufacture shall be carried on in a one-storeyed building.

5. All sales of explosive under this license shall be effected upon the premises shown on the face of the license.

6. An explosive shall not be sold to any child apparently under the age of 13 years.

7. The explosive possessed by the licensee shall be kept in a substantially constructed uninflammable building, approved by such officer as the Local Government may prescribe, or in a fire-proof safe separated from any dwelling-house, highway, street, public thoroughfare, or public place by the distances laid down in condition No. 4, and made and closed so as to prevent unauthorized persons having access thereto, and to secure it from danger without:

Provided that a quantity not exceeding 50 lbs. of gunpowder, or in lieu of each pound of gunpowder not so kept, 2 lbs. of explosive contained in ammunition of the 1st division of class 6, or an equivalent quantity of an explosive of the 7th (firework) class, may be kept inside a dwelling-house, or in any building other than as last aforesaid, in a receptacle exclusively appropriated to keeping explosive:

Provided also that no explosive containing its own means of ignition (other than explosive of the 1st division of the 6th (Ammunition) class), shall be kept in a fire-proof safe.

8. All articles or substances of explosive or highly inflammable nature shall be kept at a safe

distance from the explosive and from any room or part of a building, fire-proof safe, or receptacle containing the same, and no one entering such room or part of any building or such safe or receptacle shall have any iron or steel in their possession, or attached to or on their boots or shoes.

9. Neither the building exclusively appropriated for the purpose of manufacturing or keeping the explosive, nor the fire-proof safe or receptacle, shall have any exposed iron or steel (except machinery necessary for the manufacture) in the interior thereof.

10. All explosives exceeding 5 lbs. in amount of the 1st division of the 6th (ammunition) class or of the 2nd division of the 7th (firework) class, and all other explosives exceeding 1 lb. in amount, shall be kept in a substantial case, bag, canister, or other receptacle made and closed so as to prevent the explosives from escaping, and is publicly exposed for sale or sold, the outermost receptacle containing such explosives shall have affixed the name of explosives in conspicuous characters by means of a brand or securely attached label or other mark.

11. Each description of explosive which may be kept under this license shall be separated by an intervening partition of such substance and character, or by such intervening space, as will effectually prevent explosion or fire in the one communicating with the other. Explosives of the same class, however, may be kept together; and gunpowder may be kept with safety fuzes.

*12. The license-holder shall affix to his shop or place of business a signboard as required by Rule 11 of the rules framed under the Indian Arms Act (XI of 1878) and shall post up in his shop a copy of Section 28 of that Act.

*13. The license-holder shall at the time of purchase endorse upon the license of every purchaser holding a license under Form VIII or IX of the forms prescribed under the Indian Arms Act (XI of 1878) the following particulars:—

(*a*) the name and address of the person who takes delivery of the articles sold;

(*b*) the nature and amount of the articles sold;

(*c*) the date of sale;

and shall append his signature to the endorsement.

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* These conditions are to be added only when the authority granting this license directs, by an order written thereon, that this license shall have the effect of a like license granted under the Indian Arms Act, (XI of 1878).

Form B

(*See Rule* 8.)

FEE— RUPEES IN STAMPS.

License to sell and possess gunpowder or explosive of the 1st division of the 6th (Ammunition) class or of the 7th (Firework) class.

Granted in a Presidency-town and its suburbs by the Commissioner of Police and elsewhere by the District Magistrate.

Name, &c., of license-holder and place of residence.	Place of business, factory, or shop.	Maximum quantity of explosive to be kept at any one time.	Description and quantity of explosive to be possessed and sold during the year.	Date on which license expires.
				The 31st o December 189 .

_____ *District,*
_____ *189* .

Seal.

(Signature)
_____ *of* _____

Conditions.

1. This license is given subject to the provisions of the Indian Explosives Act (IV of 1884) and the rules thereunder.

2. The license-holder shall keep records and accounts of all explosives in stock and of all sales, in such form as the Local Government may from time to time direct.

3. The license-holder shall exhibit his stock and his books and records of sales to any Magistrate or to any Police Officer not below the rank of Inspector when such officer may call upon him so to do.

4. All sales of explosive under this license must be effected upon the premises shown on the face of the license.

5. An explosive shall not be sold to any child apparently under the age of 13 years.

6. The explosive shall be kept in a substantially constructed uninflammable building approved by such officer as the Local Government may prescribe, or a fire-proof safe separated from any dwelling-house, highway, street, public thoroughfare, or public place by the prescribed distances,* and made and closed so as to prevent unauthorized persons having access thereto, and to secure it from danger from without :

Provided that 50 lbs. of gunpowder or, in lieu of each pound of gunpowder not so kept, 2 lbs. of explosive contained in ammunition of the 1st division of class 6, or an equivalent quantity of explosive of the 7th (firework) class, may be kept inside a dwelling-house, or in any building other than as last aforesaid, in a receptacle exclusively appropriated to keeping explosive :

*In the case of gunpowder, 100 yards.

In the case of explosive of the 1st division of the 6th (Ammunition) class of the 7th (Firework) class, 50 yards.

Provided also that no explosive containing its own means of ignition (other than explosive of the 1st division of the 6th (Ammunition) class) shall be kept in a fireproof safe.

7. All articles or substances of an explosive or highly inflammable nature shall be kept at a safe distance from the explosive and from any room or part of a building, fire-proof safe, or receptacle containing the same, and no one entering such room or part of any building or such safe or receptacle shall have any iron or steel in their possession, or attached to or on their boots or shoes.

8. Neither the building exclusively appropriated for the purpose of keeping the explosive, nor the fire-proof safe or receptacle referred to above, shall have any exposed iron or steel in the interior thereof.

9. All explosives exceeding 5 lbs. in amount of the 1st division of the 6th (ammunition) class or of the 2nd division of the 7th (firework) class, and all other explosives exceeding 1 lb. in amount shall be kept in a substantial case, bag, canister, or other receptacle made and closed so as to prevent the explosives from escaping, and when publicly exposed for sale or sold, the outermost receptacle containing such explosives shall have affixed the name of the explosives in conspicuous characters by means of a brand or securely attached label or other mark.

10. Each description of explosive which may be kept under this license shall be separated by an intervening partition of such substance and character, or by such intervening space, as will effectually prevent explosion or fire in the one communicating with the other. Explosives of the same class, however, may be kept together, and gunpowder may be kept with safety fuzes.

* 11. The license-holder shall affix to his shop or place of business a signboard as required by Rule 11 of the Rules framed under the Indian Arms Act (XI of 1878) and shall post up in his shop a copy of Section 28 of that Act.

†12. The license-holder shall at the time of purchase endorse upon the license of every purchaser holding a license under Form VIII or IX of the forms prescribed under the Indian Arms Act (XI of 1878), the following particulars:—

(*a*) the name and address of the person who takes delivery of the articles sold;

(*b*) the nature and amount of the articles sold;

(*c*) the date of sale;

and shall append his signature to the endorsement.

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* In the case of gunpowder, 100 yards.

In the case of explosive of the 1st division of the 6th (Ammunition) class or of the 7th (Firework) class, 50 yards.

† These conditions are to be added only when the authority granting this license directs, by an order written thereon, that this license shall have the effect of a like license granted under the Indian Arms Act (XI of 1878).

Form C.

(*See Rule 8.*)

FEE—EIGHT ANNAS IN STAMPS.

License to possess gunpowder or an explosive of the 1st division of the 6th (Ammunition) class or of the 7th (Firework) class.

Granted in a Presidency-town and its suburbs by the Commissioner of Police and elsewhere by the District Magistrate.

Name, &c., of license-holder, and place of residence.	Description and quantity of explosive to be possessed during the year.	Place with full details where explosive is to be possessed.	Maximum quantity of explosive to be kept at any one time.	Date on which license expires.
				The 31st of December 189 .

District.
188 .

Seal.

(Signature)
of

Conditions.

1. This license is given subject to the provisions of the Indian Explosives Act (IV of 1884) and the rules thereunder.

2. The explosive shall be kept in a substantially constructed uninflammable building approved by such officer as the Local Government may prescribe, or in a fire-proof safe separated from any dwelling-house, highway, street, public thoroughfare, or public place by the prescribed distances,* and made and closed so as to prevent unauthorized persons having access thereto, and to secure it from danger from without:

Provided that 50 lbs. of gunpowder, or in lieu of each pound of gunpowder not so kept, 2 lbs. of explosive contained in ammunition of the 1st division of class 6, or an equivalent quantity of explosive of the 7th (firework) class may be kept inside a dwelling-house or in any building other than as last aforesaid, in a receptacle exclusively appropriated to keeping explosive:

Provided also that no explosive containing its own means of ignition (other than explosive of the 1st division of the 6th (Ammunition) class) shall be kept in a fire-proof safe.

3. All articles or substances of an explosive or highly inflammable nature shall be kept at a safe distance from the explosive and from any room or part of a building, fire-proof safe, or receptacle containing the same, and no one entering such room or part of any building or such safe or receptacle shall have any iron or steel in their possession, or attached to or on their boots or shoes.

* In the case of gunpowder, 100 yards.

In the case of an explosive of the 1st division of the 6th (Ammunition) class or of the 7th (Firework) class, 50 yards.

4. Neither the building exclusively appropriated for the purpose of keeping the explosive, nor the fire-proof safe or receptacle referred to above shall have any exposed iron or steel in the interior thereof.

5. All explosive exceeding 5 lbs. in amount of the 1st division of the 6th (ammunition) class or of the 2nd division of the 7th (firework) class, and all other explosives exceeding 1 lb. in amount shall be kept in a substantial case, bag, canister or other receptacle made and closed so as to prevent the explosives from escaping.

6. Each description of explosive which may be kept under this license shall be separated by an intervening partition of such substance and character, or by such intervening space as will effectually prevent explosion or fire in the one communicating with the other. Explosives of the same class, however, may be kept together, and gunpowder may be kept with safety fuzes.

7. The license-holder shall at the time of purchase have the following particulars endorsed upon his license by the vendor from whom he purchases and under the vendor's signature:—

(*a*) the name and address of the person who takes delivery of the articles purchased;

(*b*) the nature and amount of the articles purchased;

(*c*) the date of purchase.

Form D.

(See Rule 14.)

FEE—FIVE RUPEES IN STAMPS.

License to possess explosives.

Granted in a Presidency-town and its suburbs by the Commissioner of Police and elsewhere by the District Magistrate.

Name, &c., of license-holder and place of residence.	Place of business or shop.	Description of Explosive.	Maximum quantity of explosive (not exceeding 60 lbs.) to be kept at any one time.	Date on which license expires.

_____ *District,*
_____ *189* .

Seal.

(Signature) . . .
_____ *of* _____

Conditions.

1. This license is given subject to the provisions of the Indian Explosives Act (IV of 1884) and the rules thereunder.

2. The explosive shall be kept in a substantially constructed building exclusively appropriated for the purpose and detached from a dwelling-house,

and at a safe distance from any highway, street, public thoroughfare, or public place, made and closed so as to prevent unauthorized persons having access thereto, and to secure it from danger from without:

Provided that a quantity not exceeding 15 lbs. of such explosive may be kept inside any building other than as last aforesaid, in a receptacle exclusively appropriated to keeping explosive.

3. All articles or substances of an explosive or highly inflammable nature shall be kept at a safe distance from the explosive and from any building or receptacle containing the same.

4. Neither the building exclusively appropriated for the purpose of keeping the explosive nor the receptacle shall have any exposed iron or steel in the interior thereof.

5. All such explosives exceeding 1 lb. in amount shall be kept in a substantial case, bag, canister, or other receptacle made and closed so as to prevent the explosives from escaping.

6. Each description of explosive which may be lawfully kept under this license shall be separated by an intervening partition of such substance and character, or by such intervening space, as will effectually prevent explosion or fire in the one communicating with the other.

7. The license-holder shall, at the time of purchase, have the following particulars endorsed upon his license by the vendor from whom he purchases and under the vendor's signature:—

(*a*) the name and address of the person who takes delivery of the articles purchased;

(*b*) the nature and amount of the articles purchased;

(*c*) the date of purchase.

Form E.

(See Rule 17.)

FEE—TWENTY RUPEES IN STAMPS.

License to possess explosives.

Granted by the Local Government.

Name of license-holder and residence.	Boundaries of the land forming the site of the magazine to which the license applies.	Situation, character, and construction of the buildings and works connected with the magazine.	Description of explosive to be possessed.	Amount of explosive to be possessed at the same time in the magazine and within the boundaries of the site thereof.	Date on which license expires.

District, (Signature)

189 . Seal. *of*

Conditions.

1. This license is given subject to the provisions of the Indian Explosives Act (IV of 1884) and the rules thereunder.

2. There shall not be at the same time in the magazine an amount of explosive exceeding the amount specified in the license.

3. The magazine shall be used only for the keeping of the explosive or explosives specified in the license, and of receptacles for, or tools or implements for work connected with the keeping of such explosive or explosives.

4. The interior of the magazine and the benches, shelves, and fittings therein, shall be so constructed or so lined or covered as to prevent the exposure of any iron or steel, and the detaching of any grit, iron, steel, or similar substances in such manner as to come into contact with the explosive, and such interior, benches, shelves, and fittings shall, so far as is reasonably practicable, be kept free from grit and otherwise clean; and in the case of any explosive being possessed which is liable to be dangerously affected by water, due precautions shall be taken to exclude water therefrom.

5. The magazine shall have attached thereto a sufficient lightning conductor which shall be tested at least once a year.

6. Before repairs are done to or in any part of a room or magazine, it shall, as far as is practicable, be cleaned by the removal of all explosive or mixed ingredients thereof, and the thorough washing out of such room or part; and after such cleaning, these conditions shall cease to apply to explosive until such room or part of the magazine is again taken into it.

7. Except after such cleaning, all tools and implements used in, or in any repairs to, any part of the magazine shall be made only of wood, copper, or brass, or some soft metal or material, or shall be covered with some safe and suitable material.

8. Due provision shall be made by the use of suitable working clothes without pockets, suitable shoes, searching and otherwise, or by some such means for preventing the introduction into the magazine of fire, lucifer matches, or any substance or article likely to cause explosion or fire, or any iron, steel or grit; but this rule shall not prevent the introduction of an artificial light of such construction, position, or character as not to cause any danger of fire or explosion.

9. No person shall smoke in any part of the magazine.

10. No person under the age of 16 years shall be employed in or enter the magazine except in the presence and under the supervision of some grown-up person.

11. Two or more descriptions of explosive, which may lawfully be possessed in a licensed magazine,

may be passed in the same magazine, if they are separated from each other by an intervening partition of such substance and character, or by such intervening space, as will effectually prevent explosion or fire in the one communicating with the other, subject to the following qualifications:—

(*a*) The various explosives of classes 1 (gunpower), 2 (nitrate-mixture), 3 (nitro-compound), and 4 (chlorate-mixture), safety fuze belonging to the 1st division of class 6 (ammunition), and such of the various explosives of the 2nd division of class 6 (ammunition) as do not contain any exposed iron or steel, may be kept with each other without any intervening partition or space.

(*b*) The various explosives of the 1st division of class 6 (ammunition) may be kept with each other without any intervening partition or space.

(*c*) Such of the various explosives of the 2nd division of class 6 (ammunition) as contain any exposed iron or steel may be kept with each other without any intervening partition or space.

(*d*) The various explosives of the 3rd division of class 6 (ammunition) may be kept with each other without any intervening partition or space.

(*e*) The various explosives of class 7 (firework) may be kept with each other without any intervening partition or space.

Save as aforesaid, two or more descriptions of explosives shall not be kept in the same magazine.

12. The licensee and every person employed in or about the magazine shall take all due precaution for the prevention of accidents by fire or explosion in the same, and for preventing unauthorized persons having access to the magazine or to explosives therein, and shall abstain from any act whatever which tends to cause fire or explosion, and is not reasonably necessary for the purpose of the work in such magazine.

13. The distances to be maintained between the magazine, or any part thereof, and other buildings and works shall be those specified in the distance* schedule (or "schedules" as the case may be) in Form H, attached to this license. G. N. No. 2261, dated 18th April 1898.

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*The form of this distance schedule is given below.

Form F.

(See Rule 23.)

FEE—FIVE RUPEES IN STAMPS.

License to sell explosives.

Granted in a Presidency-town and its suburbs by the Commissioner of Police and elsewhere by the District Magistrate.

Name, &c., of license-holder, and place of residence.	Place of business or shop.	Description of explosive to be sold.	Date on which license expires.

_____ *District.*

_____ *189* .

Seal.

(Signature)

_____ *of* _ _ _

Conditions.

1. This license is given subject to the provisions of the Indian Explosives Act (IV of 1884) and the rules thereunder.

2. The license-holder shall keep records and accounts of all explosives in stock, and of all sales, in such form as the Local Government may from time to time direct.

3. Explosives shall not be sold to any child apparently under the age of 13 years.

4. All explosive exceeding 1 lb. in weight, when publicly exposed for sale or sold, shall be in a substantial case, bag, canister, or other receptacle made and closed so as to prevent the explosives from escaping, and the outermost receptacle containing such explosives shall have affixed the name of the explosives with the word "Explosive" added thereto in conspicuous characters by means of a brand or securely attached label or other mark.

Form G.

(*See Rule 17.*)

G. N. No. 2621, dated 18th April 1898.

FORM G.

EXPLOSIVES ACT, 1884.

Registry No.

Distances from the Magazine proposed to be established at _____

To be kept clear * from the undermentioned Buildings and Works.

Buildings and Works.	Distance to be kept clear, not less than	Reply.	Remarks.
Room used in connection with the Magazine in pursuance of Rule 28 framed under Section 5 of the Act	Yards.		
Workshop used in connection with the Magazine in pursuance of Rule 28-A framed under Section 5 of the Act	,,		
Mineral or private railway, whether worked by steam or otherwise	,,		
Highway or public foot-path	,,		
Promenade or open place of resort for the public or for persons carrying on any trade or business	,,		
Canal or navigable water	,,		
Dock	,,		
River wall or sea wall	,,		
Pier or jetty	,,		
Reservoir	,,		
Room or workshop in connection with another magazine, store, or registered premises ...	,,		
Any other room or workshop, or any shop ...	,,		
Magazine for explosive	,,		
Store for explosive	,,		
Furnace, kiln or fire for the use of any boiler engine, or machine, or for any manufacturing purpose	,,		
Public railway	,,		
Dwelling-house, *with* the consent, in writing, of the occupier	,,		
Dwelling-house, *without* such consent ...	,,		
Factory not belonging to Government ...	,,		
Church or chapel	,,		
University, college, or school	,,		
Hospital or public institution	,,		
Town-hall or court of justice	,,		
Covered market...	,,		
Theatre or building wherein persons are accustomed to assemble	,,		
Public building in charge of the Government or of the Public Works Department on behalf of Government, or of the Municipality	,,		

Note.—The applicant for the license should state in the third column whether he is able to observe the distances assigned in the second column or not.

In any case where he is unable to observe the full distance assigned, he should state what distance he can observe, and in the column of "Remarks" should set forth the grounds, if any, upon which he relies as justifying such reduction of distance, *e.g.*, whether the Magazine will be protected by mounds, or by the natural features of the ground, or otherwise.

Signature of Applicant _____

Postal Adress of Applicant _____

Date _____

* The distances will be required to be kept clear not merely on the first establishment of the Magazine, but during the continuance of the license.

Form H.

(Distance Schedule referred to in Condition 13 of Form E.)

Form H.

EXPLOSIVES ACT, 1884.

Registry No.

Schedule.

Distances to be maintained between the Magazine and other buildings and works :—

From every	Not less than
Room used in connection with the magazine in pursuance of Rule 28 framed under Section 5 of the Act	
Workshop used in connection with the magazine in pursuance of rule 28-A, framed under Section 5 of the Act	
Mineral or private Railway, whether worked by steam or otherwise	
Highway or public foot-path	
Promenade or open place of resort for the public or for persons carrying on any trade or business	
Canal or navigable water	
Dock	
River wall or sea wall	
Pier or jetty	
Reservoir	
Room or workshop in connection with another magazine, store, or registered premises ...	
Any other room or workshop, or any shop ...	
Magazine for explosive	
Store for explosive	
Furnace, kiln or fire for the use of any boiler, engine or machine, or for any manufacturing purposes	
Public Railway	
Dwelling-house *with* the consent, in writing, of the occupier	
Dwelling-house *without* such consent	
Factory not belonging to Government ...	
Church or chapel	
University, college or school	
Hospital or public institution	
Town-hall or court of justice	
Covered Market	
Theatre or building wherein persons are accustomed to assemble	
Public building in charge of the Government or of Public Works Department on behalf of Government, or of the Municipality ...	

Provided that in the case of any building or work above-mentioned which is so screened from the Magazine by the natural features of the ground, or by good and sufficient artificial mounds of earth, as not to be visible from any part of such Magazine, the distance assigned above as that to be observed between such building or work and the Magazine may be reduced by one-half

Provided also that in the case of any building or work above-mentioned which is so screened from the Magazine by an intervening hill that a line drawn from any part of such building or work to any part of such Magazine would pass through such hill, the distance assigned by this schedule as that to be observed between such building and work and the Magazine may be reduced by three-fourths, subject nevertheless to a notification in writing from Government Inspector

that, in his judgment, the intervening hill, in respect of which such reduction is claimed, is not of a character to justify such reduction, whereupon this proviso authorising such reduction as aforesaid shall be deemed not to apply in respect of the said building or work.

The distances to be maintained between the Magazine and such buildings and works as are specified in this schedule shall be those set forth in the said schedule; and if at any time after the grant of this license, by reason of the approach of any such buildings or works, the Magazine ceases to be beyond the distances therein specified, this license shall cease to authorise the use of the Magazine for the keeping of explosives.

Notes.—(*a*) Buildings and Magazines inside a Factory will be required to preserve the distances from each other specified in the first (Workshop) line of the schedule. The same rule will apply to two or more Magazines, *not* in a factory belonging to the same occupier or by mutual consent of the respective occupiers.

(*b*) Detonators may be kept in an annexe near to or adjoining a Magazine under the following conditions:—

(1) The amount of explosive contained in the detonators must not exceed 100 lbs. reckoned in the proportion of not less than 2¼ lbs. of explosive per 1,000 detonators. (This proportion represents roughly about 44,000 detonators of "sextuple" strength; with detonators of greater strength the number would be of course less.)

(2) The detonator annexe must be so constructed that not less than two feet of masonry and three feet of air-space shall intervene between any detonators in such annexé and the interior of the Magazine.

(G. N. No. 5579, dated 26th July 1897.)

2. Where the provisions of the Bombay Municipal Acts of 1872 and 1878 are in conflict with those of the Indian Explosives Act, the latter must prevail.

3. The desirability of amending Section 69 of the Bombay District Municipal Act of 1873 with a view to prevent the possibility of difficulties arising in Municipalities other than Bombay by the operation of that section which would enable Municipal Commissioners to treat as a nuisance places within the Municipality which the District Magistrate may have sanctioned as a place for the storage of explosives, will be borne in mind when legislation to amend that Act is taken in hand. In the meanwhile any District Magistrate, who contemplates issuing a license for the manufacture or storage of explosives within Municipalities, should be careful to ascertain and consider any objections the Municipality concerned may have to his doing so, before he issues such license. (G. R., G. D., No. 2669, dated 5th September 1887.)

4. The Indian Explosives Act does not require that two separate licenses should be taken out for the manufacture, possession and sale of the *same* explosive—one under that Act and the other under the Indian Arms Act, 1878. The intention of Sec-

tion 15 of the Explosives Act is that a license under that Act may have, as regards the explosives manufactured, the effect of a license under the Arms Act, if an endorsement be made on it to that effect by a competent officer empowered on that behalf by the rules under which the license is granted. (G. I., H. D., No. 1299 dated 10th June 1887; *vide* G. R. No. 4116, dated 5th July 1887.)

*Superseded by Govt. Notn. No. 5579, dated 26th July 1897.

5. The rules laid down in Government Notification No.* 4116, dated 5th July 1897, for regulating the manufacture, possession and sale of explosives in the Bombay Presidency, contemplate the inclusion in division 2 of the 7th class of explosives of such articles as fire-works intended for the use of steamers. (G. R. No. 3254, dated 21st May 1888.)

6. The following orders, *inter alia*, were passed by Government on the recommendations of the Committee appointed by Government Resolution No. 1966, dated 22nd March 1892, to enquire into the circumstances connected with the explosion, on 28th December 1891, of a dynamite magazine at Antop Hill:—

(1) That no new magazines should be constructed near those now existing at Antop Hill, that the exploded magazine should not be rebuilt on its former site, and that the existing and all future magazines at Antop Hill should be protected by traverses.

(2) That certificates by the Chemical Analyser should be insisted on for all consignments of explosives carried by rail in accordance with Rule 6, clauses IX, X and XI, of the rules contained in the Notification of the Government of India, No.† 1417, dated 24th June 1887.

†Superseded by G. of I. Notn. No. 1393, dated 8th July 1897 (Bo. G. N. No. 5283, dated 14th idem.)

(3) That efficient lightning conductors should be provided and that each conductor should be tested by a competent person at least once a year, the continuance of licenses to depend on the conductors being maintained in efficient order.

(G. R. No. 8703, dated 4th November 1892.)

7. In exercise of the powers conferred by Section 5, sub-section (2), clause (*b*), of the Indian Explosives Act (IV of 1884), and in modification of the rules made by the various Local Governments thereunder, the Governor General in Council is pleased to make the following rule as to the fee to be charged for licenses to possess explosives granted to contractors, cultivators and other persons:—

No fee shall be charged for licenses granted to contractors, cultivators or other persons to possess gunpowder, fuzes or other explosives in reasonable quantities when the same are proved to the satisfaction of the officer granting the license to be required *bonâ fide*, in the case of licenses granted to contractors, for blasting purposes, and, in the case of licenses granted to cultivators or other persons, for blasting purposes in connection with agricultural works or works of public utility.

2. Home Department Notification No. 1989, dated the 25th July 1888, is hereby cancelled.

(G. I., H. D., Notn. No. 518, dated 19th April 1893; *vide* G. N. No. 2950, dated 26th idem.)

III.—MISCELLANEOUS.

1. *Publication of draft rules.*—Under Section 18, sub-section (2), of the Indian Explosives Act, 1884, the Governor-General in Council is pleased to prescribe that drafts of proposed rules under the Act shall be published—

(*a*) When the authority making the rules is a Local Government, in one issue of the local Official Gazette in English and in such other language or languages as the Local Government may direct; and

(*b*) when the authority making the rules is the Governor-General in Council, in one issue of the *Gazette of India* in English, and in one issue of the local Official Gazette (if any) of every Local Government in British India in English and in such other language or languages as the Local Government may direct.

This notification supersedes Home Department Notification No. 1437, dated the 14th August 1885.

(G. I., H. D., Notn. No. 1964, dated 2nd September 1887; *vide* G. N. No. 6038, dated 7th idem.)

2. *Purchase of Explosives.*—The Government of India having considered the question of the source from which it is desirable to obtain explosives for use in India, has decided that it is, on the whole, preferable to purchase them, as necessity arises, in this country. (G. I., F. & C., No. 6809, dated 26th December 1887; *vide* G. R. No. 364, dated 19th January 1888.)

3. *Shipment of Gunpowder, &c., on passenger vessels.*—The shipment of gunpowder and ammunition on passenger vessels may be allowed when packed in the manner described in the Regulations for Her Majesty's Transport Service, 1886 (*vide* Articles 28, 29 and 31) and stowed in magazines constructed (at the cost of the owner) in accordance with the specification given in Appendix XXVI of the Regulations, subject to the approval of the Port Officer.* (G. I., F. & C., No. 2891, dated 11th July 1891; *vide* G. R. No. 5556, dated 13th August 1891.)

* This order was passed pending the embodiment in the contemplated rules under the Native Passenger Ships Act of rules for the conveyance of explosives on passenger vessels.

No 664
23/10/99

FERRIES.*

1. It is hereby notified that the limits of each district for the purposes of clause 2 of Section 16 of the Bombay Ferry Act (No. II of 1868)† shall be co-extensive with the several Collectorates. (G. N., G. D., dated 18th August 1869.)

2. The Right Honourable the Governor in Council is pleased to delegate to the Commissioner in Sind, under Section XVII of Bombay Act II of 1868, the powers of Government contemplated in Sections VI and XII of the said Act. (G. N., G. D., dated 12th October 1869; *vide* G. R., G. D., No. 2400 of the same date.)

3. In the Kánara Collectorate toll should be levied on bales of cotton coming to the ferry on carts and bullocks which do not cross the ferry themselves, in accordance with the following schedule:—

	At ferries Class II.	At ferries Class III.	At ferries Class IV.
	Pies.	Pies.	Pies.
Cotton docras on carts	4	3	3
Do. brought on bullocks, horned cattle, horses, tattoos and mules.	3	2	2
Pressed bales			

(G. R., G. D., No. 387, dated 4th February 1871.)

4. "Ferry" is defined in Wharton's Law Lexicon as "the right to carry persons and their goods in boats *across* a river and to take toll for such carriage." The ordinary meaning of the word "across" as given in the Dictionaries is "from side to side." Bombay Act II of 1868 is an Act to amend the law relating to public ferries. It nowhere defines what is a ferry, but Section 2 empowers Government to declare what "Ferries" are "Public Ferries" and also to establish any new "Public Ferry," or discontinue any existing "Public Ferry." The word "Ferry" must therefore be given its ordinary generally recognized meaning, and the wording of Section 14 of the Act, which prescribes a penalty for any one conveying either persons or goods, &c., *across* any creek or river to any point on the *opposite* shore or bank not being more than three miles on either side *above* or *below* any public ferry, supplies abundant proof, if any were needed, that the Act itself intended the meaning of the word to be so understood. It is not competent to Government under the Act to declare that to be a ferry which is not so. (L. R. No. 138 of 1874; *vide* G. R., G. D., No. 2747, dated 23rd September 1874).

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* This subject was dealt with by the General Department up to the end of February 1893.

† The Act was extended to Sind by Government Notification, General Department, dated 27th January 1869. Section 16 of the Act has been repealed by Act I of 1884.

5. The word 'Ferry' is not defined in Bombay Act II of 1868, unless the language of Section 14 is to be taken as amounting to a definition. That section imposes a penalty on any one 'conveying for hire any passengers, animals, carts, carriage or goods *across any creek or river* within the Presidency of Bombay to any point on the opposite shore or bank, not being more than three miles on either side above or below any public ferry, without the license of the Collector.' From this, at all events, it would appear that the Legislature used the word 'Ferry' in its ordinary sense of a way across water. The ordinary sense is also the legal sense. In the case of *Newton* v. *Cubitt* (12 C. B. A. S., 58) Mr. Justice Willes says: 'A ferry exists in respect of persons using a right of way, where the line of way is across water. There must be a line of way on land, coming to a landing place on the water's edge; or where the ferry is from or to a township, from or to one or more landing places in the township. The franchise is established to secure convenient passage; and the exclusive right is given because in an unpopulous place there might not be profit sufficient to maintain the boat if there was no monopoly. The ferry is unconnected with the occupation of land, and exists only in respect of persons using the right of way. The questions whence they come and whither they go, are irrelevant to the exercise of that right; and the ferryman has no incohate right in respect of any of them, unless they come to his passage.'

A similar definition of a ferry is given by Vice-Chancellor Kindersley in the case of *Letton* v. *Goodden* (L. R., 2 Eq., 130): 'A ferry has been said to be the continuation of a public highway across a river or other water, for the purpose of public traffic, from the termination of the highway on the one side to its recommencement on the other side.'

Upon these authorities, a public ferry under Bombay Act II of 1868 must be across a creek or river.

(Adv. Gen. No. 81, dated 11th November 1874; *vide* G. R., G. D., No. 1726, dated 9th June 1875.)

6. There is nothing contradictory in the fact of a steamer being both a ferry-boat and a coasting vessel, or being subject to the Sea Customs Act, 1878, as well as to the Bombay Ferries Act, 1868. (L. R., No. 399, dated 30th March 1883; *vide* G. R. No. 2938, dated 14th April 1883).

7. Ferry steamers and other small vessels plying in the Bombay Harbour are subject to the Inland Steam Vessels Act, 1884. (G. R., Marine Dept., No. 280, dated 14th October 1891, and G. R., G. D., No. 3936, dated 7th November 1891).

8. Monopolies are void at common law even when granted by the Crown. It requires in England the concurrence of the whole legislature to legislate them.

Brice on *Ultrâ Vires*, 557; cf. Smith's Leading Cases, Vol. I; *Mitchel* v. *Reynolds*; Sec. 27, Contract Act, 1872.

FERRIES.]

All rivers the soil of which belongs to the Crown, if navigable, are public, and the public have a right to navigate, nor can the Crown prevent them from doing so.

Vide Miles v. *Rose*, 5 Taunton, 705; Phear on Rights of Wák, 91; Smith's Leading Cases, Vol. II, *Dovastom* v. *Payne*.

If the river is not a highway, it is probable that difficulties would arise in connection with the rights of riparian proprietors.

Bourke v. *Davis*, 44 Ch. D., 110.

(L. R. No. 1508, dated 17th October 1893; *vide* G. R. No. 8399, dated 16th November 1893.)

9. The following is the table of fares levied for the conveyance of bullocks, carts, &c., across the Mhye in the public ferry at Páli in the Thásra Táluka of the Kaira District:—

	Rs.	a.	p.
Laden tattoos, horned cattle, and mules ...	0	2	0
Horses, laden and unladen	0	2	0
Unladen tattoos, horned cattle, and mules.	0	1	0
Asses, unladen and laden	0	1	0
Camels, unladen and laden	0	3	0
Goats and sheep	0	0	3
Laden carts and carriages of any sort ...	0	8	0
Unladen carts and carriages of any sort ...	0	5	0
Palanquins with hamáls	0	8	0
Tonjon or native palna with hamáls ...	0	4	0

(G. R., G. D., No. 2344, dated 5th August 1875.)

10. Local Boards must be counted amongst 'Her Majesty's subjects residing within the Presidency of Bombay,' and therefore vessels belonging to them are liable to be registered under Act XIX of 1838, if they are employed in such places as would render them liable to be registered under that Act if they were the property of private owners.

The Act applies to 'harbour craft' and to vessels 'employed on the coasts,' *i.e.*, on the sea coast. It does not apply to vessels employed exclusively on rivers and creeks; unless they ply to places which, although situated on such rivers or creeks, may reasonably be held to be on the sea-coast.

(L. R. No. 261, dated 23rd February 1888; *vide* G. R. No. 1607, dated 8th March 1888.)

11. On the question whether Section 14 of the Bombay Ferries Act, II of 1868, makes it penal for a person to let a boat for hire, within three miles of a public ferry without a license, the following opinion was recorded by the Remembrancer of Legal Affairs:—

"I would submit that the question cannot be finally settled except by judicial decision, and the Courts could not, of course, be bound by any opinion I might form on the subject.

9 B. I. L. R., 97.
9 B. I. L. R., 558.
10 B. I. L. R., 78.

"But as it may be desired for executive action I may state my opinion that Section 14 refers only to conveyance for hire, and not to the letting of boats for hire.

"In conveyance for hire, the person contracting to convey takes the responsibility of conveying on himself. In letting

for hire, he makes no such contract. Bombay Act II of 1878, Section 2, amending Bombay Act II of 1868, shows that conveyance may be otherwise than by boat.

"I think as a penal enactment must be construed strictly, Section 14 refers *only* to '*conveying* for hire' and not to the supplying another, whether for hire or otherwise, with the means of conveying himself or his friends.

"The exception in Section 14 refers only to that part of Section 13 which treats of 'conveying.' But there is nothing in Section 14 which renders it penal for a man to convey himself, his friends, servants or goods by any means at his disposal, or to supply any person with such means."

(L. R. No. 1325, dated 12th December 1888; *vide* G. R., G. D., No. 4579, dated 26th December 1888.)

12. Tolls should be levied at the public ferries between Thána and Bassein, Kalyán and Bassein, and Bhiwndi and Bassein at the following rates:—

For adults	...	...	... 8 annas each.
For children	...	...	... 4 annas each.
For infants in arms	...	...	... Free.

(G. Rs., G. D., Nos. 2552, dated 29th October 1869, and 2852, dated 22nd November 1870.)

13. Toll should be levied at the special ferries in the Thána Collectorate at the rates given in the following schedules:—

No.	Description.	SPECIAL FERRIES.											
		Dongree to Bassein.			Mahool to Bombay.			Datewra.			Ghorbandar to Basseen.			Karanja to Antora.		
		Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.
1	Four-wheeled carriages each..	1	0	0	1	0	0	0	12	0	0	12	0	0	12	0
2	Two do. do. on springs.	0	12	0	0	12	0	0	8	0	0	8	0	0	8	0
3	Laden carts with or without springs, each	0	8	0	0	8	0	0	8	0	0	8	0	0	8	0
4	Unladen do. do. do. ...	0	8	0	0	8	0	0	6	0	0	6	0	0	6	0
5	Laden tattoos, horned cattle and mules each	0	6	0	0	6	0	0	5	0	0	5	0	0	5	0
6	Horses, laden or unladen, each	0	6	0	0	6	0	0	5	0	0	5	0	0	5	0
7	Unladen tattoos, horned cattle or mules each	0	4	0	0	4	0	0	3	0	0	3	0	0	3	0
8	Asses, laden or unladen, each	0	3	0	0	3	0	0	2	0	0	2	0	0	2	0
9	Camels, laden or unladen, each	1	0	0	1	0	0	0	12	0	0	12	0	0	12	0
10	Sheep, goats and pigs, each ...	0	1	0	0	1	0	0	0	6	0	0	6	0	0	6
11	Palanquin (or mena) with hamáls	1	8	0	1	8	0	1	0	0	1	0	0	1	0	0
12	Tonjon, native palna or doly with hamáls	0	12	0	0	12	0	0	8	0	0	8	0	0	8	0
13	Passengers other than little children each	0	1	0	0	1	0	0	0	6	0	0	6	0	0	6

(G. R., G. D., No. 1762, dated 27th July 1870.)

14. Section 3 of Act II of 1868 directs that tolls should be levied on *all* passengers carried over any public ferry except soldiers in uniform on duty, Police officers in uniform on duty and persons in custody of the Police. If it is desired to extend the exemption from toll to other classes of public servants, Government can do so by Resolution as regards public ferries under direct Government management; but in regard to ferries leased to private individuals, any further exemption than the Act provides would need to be made a condition of the lease under Section 5 of the Act. (L. R. No. 67, dated 10th June 1869; *vide* G. R., G. D., No. 1622, dated 8th July 1869.)

15. The Local Boards Bill originally contained a section under which every member of a Local Board was entitled to the actual expenses incurred by him in travelling for the fulfilment of any duty under the Act, but this section was removed from the Bill by desire of the Secretary of State. The exemption of members of Local Boards, travelling on Local Fund business, from road and ferry tolls would be equivalent to a grant of part of their expenses which the Secretary of State disallowed, and is also open to other obvious objections. (G. R. No. 7680, dated 22nd September 1885.)*

16. The provision of Government Notification, General Department, No. 1582, dated 2nd May 1882, which directs that the exemption from payment of ferry tolls which is limited to Government officers and their actual conveyance 'is only to extend to the one horse on which the officer may happen to be riding,' is not applicable to an officer whose 'actual conveyance when he has to cross a ferry happens to be, say, a tonga and a pair of ponies or a camel. The object of the provision is to prevent any misapplication of the term 'actual conveyance.' For instance, an officer may require six riding horses to accomplish a journey. In crossing a ferry the horse he happens to be riding is exempt, but not the other five horses. So, too, if an officer is making a journey by stages using various modes of conveyance, the particular one which he is actually using when he has to cross a ferry alone is exempt from payment of toll, whether it happens to be a carriage and pair, or a riding horse, or a camel, or an elephant, or any other kind of conveyance. (L. R., No. 658, dated 8th June 1882; *vide* G. R., G. D., No. 2294, dated 20th idem.)

17. One person taking care of a horse on a vehicle, but not more than one, may properly be regarded as merely incidental, and in respect of such person no ferry toll should be leviable, but all other persons with the horse or vehicle should be charged for separately. (G. R., G. D., No. 839, dated 25th February 1889.)

18. Forest guards, Foresters and Forest Inspectors when actually travelling on duty are exempt from the payment of tolls at public ferries and on roads. Office Kárkuns are not to claim exemption under this ruling. (G. Rs. Nos. 570, dated 29th January 1877, 1477, dated 7th March 1877, 3417, dated 6th July 1878, and 3777, dated 26th May 1886.)

* Under the ruling contained in this Resolution, officers required to attend meetings of Local Boards under Section 33 of the Local Boards Act cannot be allowed travelling expenses (G. R. No. 3220, dated 1st May 1889), and the ruling is equally applicable to officers required to attend meetings of Municipal Boards (G. R., F. D., No. 2595, dated 20th June 1889). When, however, an officer of the Educational Department has to travel to a place where he has to attend a meeting of the Local or Municipal Board in addition to discharging inspection or other duties pertaining to his office, he can draw the travelling allowance admissible to him under the rules. (G. R., F. D., No. 3338, dated 2nd September 1889.)

19. In exercise of the powers conferred by Section 3, clause (*d*), of the Bombay Ferries Act II of 1868, as amended by Bombay Act II of 1878, the Governor in Council is pleased to declare that, in addition to the persons exempted by Section 3 of the said Act and by the notifications passed thereunder, the peon attached to the office of the Vahivatdár of the village of Sangam Máhuli in the Aundh State shall, while employed in conveying official letters to and from the Post Office at Kshetra Máhuli by the ferry-boat plying between Sangam Máhuli and Kshetra Máhuli during the monsoon, be exempt from payment of ferry tolls otherwise demandable under the said Bombay Act II of 1868 amended as aforesaid, during the life-time of Meherban Shrinivasrao Parashram Pandit Pant Pratinidhi, the present Chief of Aundh. (G. Notn. No. 4160, dated 2nd June 1897.)

20. When a ferry is partly in one district and partly in another, the proceeds should in all cases, after deducting cost of maintenance, be divided equally between the two districts, the expenses being also jointly shared. (G. R., G. D., No. 1984, dated 18th August 1869.)*

21. When a ferry plies between British territory and a Native State, the proceeds should be equally divided between the two Governments.

This rule should be followed in regard to all ferries hereafter established, and the States concerned should be asked to acquiesce in it before any disputes arise as to the division of profits. It may also be applied to any ferries which may have been recently established. In regard, however, to a ferry like that at Siddápur in the Sángli State, of which the proceeds have been enjoyed by Sángli from very ancient days, Government will not press their rights, not because they admit that the Treaty is opposed to such a claim, but simply because they have not claimed their rights since the establishment of British rule in the Deccan.

A ferry established in British territory may be declared a public ferry even though the opposite side of the river be in Native territory. The Native States concerned should, however, be urged, if they have not already done so, to promulgate rules similar to those contained in Bombay Act II of 1868, for application to any ferries that may have been or may hereafter be declared by the British Government to be public ferries.

(G. R., P. D., No. 7184, dated 7th December 1886.)

22. The sanction of Government to the entertainment of ferry and toll establishments is necessary.

The management of the tolls and the control of the establishments in the Panch Maháls are vested

* *Vide* proviso to Section 41 of the Local Boards Act No. I of 1884

in the Executive Engineer of the district, but in compliance with the provisions of Rule 31 of the Local Board Rules the establishments must be paid by the Collector on receiving salary bills from the Executive Engineer.

It is not necessary to pension toll and ferry establishments. (G. Rs. Nos. 2469 and 3736, dated, respectively, 28th April 1885 and 9th December 1886; *vide* also G. R., F. D., No. 2750, dated 26th September 1885.)

23. It is clear from clause (*c*) of Section 44 of the Local Boards Act that *all* charges on account of ferries are chargeable to Provincial Revenues, the term "maintenance" including current repairs to existing boats as well as the construction of new ones. This arrangement does not involve any loss to Provincial Revenues, because the gross proceeds after deducting all charges are payable to the Local Funds concerned. (G. R. No. 6949, dated 27th August 1885)

24. The term "maintenance of ferries" in Section 44 of the Local Boards Act undoubtedly includes the provision of boats for working the ferries, and no modification of the orders issued in Government Resolution No. 6949, dated 27th August 1885, is required. It should, however, be understood that ferries do not include approaches to them and piers, which if constructed by Local Fund Committees and Local Boards vest in the Boards, in which case they are responsible for the maintenance and repair of them.

If the cost of working public ferries exceeds the receipts, the Local Boards are not bound to make good the deficit. But there ought to be no deficits. Public ferries ought to be so managed as to pay, and heavy charges for approaches, &c., should not be incurred from the Ferry Fund but by Local Boards.

(G. R., F. D., No. 265, dated 2nd February 1886.)

25. Under Section 44 of the Local Boards Act, 1884, the net proceeds of the cess on land, of all public ferries and of all tolls on roads and bridges, &c., are to be credited to the Local Fund of the District. The collection and maintenance charges must, therefore, be debited to Provincial Services in the Government accounts. The Accountant General is authorized to admit to the debit of Provincial Revenues all charges of this nature. Charges on account of repairs to ferry boats and the construction of new ferries carried out by Public Works agency should be adjusted at the treasury on bills signed by the Executive Engineer, the credit appearing as a remittance to the treasury by the Public Works Department. (G. R., F. D., No. 2625, dated 14th September 1885.)

26. There is no objection to a Local Board under Section 30 (*a*) of the Local Boards Act spending money on a ferry boat. No charge should fall on

Provincial Revenue which hands over the whole of the net receipts under Secton 44 (*c*) of the Act. (G. R., F. D., No. 1182, dated 27th April 1886.)

27. The Collector is the proper authority to sanction the estimates for the construction or repairs of road toll-houses and ferry-boats, when the expenditure is to be met from the receipts and is to be charged to Provincial Revenues; but when the expenditure is in excess of the receipts, and the Local Boards are called upon to make good the deficit, the Collector should pass the estimates after consulting the Local Boards concerned. (G. R., F. D., No. 2752, dated 9th September 1886.)

28. If the cost of construction of a new boat is provided by Provincial Funds, the amount will have to be recovered before any surplus is handed over to the Local Board. It, therefore, comes to the same thing so far as their funds are concerned, whether the money is provided from Provincial or Local resources. In these circumstances it will be best that the Local Fund should provide the assignment required for a new boat, and if they can show that the cost will involve a genuine deficit, Government will be ready to consider their claim for aid from Provincial Funds. (G. R., F. D., No. 3646, dated 2nd December 1886.)

29. Any property of Government may be vested under executive orders, in any Local Board willing to receive it.

Bombay Act II of 1868, the Ferries Act, is throughout based upon the assumption that public ferries are the property of Government. It would be difficult, if not impossible, to work Sections 4 and 5 of the Act, if the ferries and the boats and other implements appertaining to them belonged to Local Boards.

If it is thought desirable to vest public ferries in Local Boards, an Act would be necessary (1) to make them responsible for the due maintenance of ferries in such places as Government prescribe and (2) to enable them to be invested with all or any of the powers of Government under Bombay Act II of 1868.

(L. R. No. 1629, dated 18th December 1886; *vide* G. R., F. D., No. 245, dated 19th January 1887.)

FORESTS.

No 665
23/10/99

PART I.—FOREST OFFICERS.

A.—Appointments, Salaries and Allowances.

1. In accordance with the orders of the Secretary of State, service for leave and pension in the case of Forest Officers appointed in England will in future be held to commence from the date on which their pay begins to accrue, *i.e.*, from the date on which they report their arrival in India. (G. I., H. D., No. 19-F., dated 4th December 1884, and G. I., R. & A., No. 321-F., dated 15th March 1895; *vide* G. Rs. Nos. 10056, dated 22nd idem, and 2566 dated 30th March 1895.)

2. Candidates who have obtained the diploma in Forestry of the Royal Indian Engineering College, Cooper's Hill, and are found to be of sound constitution and free from physical defects which would render them unsuitable for employment in the Forest Department (the final decision on which points will rest with the Secretary of State for India), will be appointed Assistant Conservators in the Forest Department of India in the order of their standing at the end of the final examination. They will be allowed before leaving the College to state their preference in respect to the provinces to which they desire to be allotted; but the distribution will be made to the several provinces according to the needs of the public service, at the discretion of the Secretary of State for India, after consulting the President of the College. Officers are, however, at all times liable to be transferred from one province to another at the pleasure of the Government of India.

(1). Within a month of his nomination as Assistant Conservator, each nominee must sign articles of agreement describing the terms and conditions of his appointment; he must embark for India when required to do so by the Secretary of State, and will be provided with a free passage. Failure to embark at the stated time will, in the absence of satisfactory explanation, lead to forfeiture of appointment.

(2). The pay of an Assistant Conservator of Forests will begin from the date of reporting arrival in India. Probationers who acquit themselves creditably during their course at Cooper's Hill College will begin on a salary of Rs. 350 a month. It will, however, rest with the President of the College to decide whether any of the probationers, though they have obtained the College diploma in Forestry, have failed to deserve that rate of initial salary. Such probationers, if any, will begin on a salary of Rs. 250 a month; and this difference of salary will continue until the first departmental examination is passed in India. Officers entering the Forest Service will be required to contribute a subscription, ranging from a compulsory minimum of 5 per cent. up to a voluntary maximum of 10 per cent. of their salary to the Forest Officers' Provident

Fund. Such contributions, with compound interest, will accumulate till the date of retirement, when the total sum will be paid to the contributor, or in the event of death before retirement to his legal representative.

(3). Promotion, leave, and pension will be governed by the regulations laid down by the Government of India and made applicable to Forest Officers, such regulations being subject to any modifications or alterations which may be made in them from time to time by the Government of India, and their interpretation in case of any doubt arising being left to that Government. The pension rules applicable to Public Works and Telegraph officers appointed from Cooper's Hill College have been extended to Forest Officers appointed from England ; and the Inspector-General of Forests and Conservators of the First Grade are now eligible for the extra pension of Rs. 1,000 per annum admissible to an officer after at least three years of approved service as head of a department in any province, if considered deserving of the special concession.

(G. I., R. & A., No. 20-291-2F., dated 20th December 1897; *vide* G. R. No. 200, dated 10th January 1898.)

3. The following rules have been prescribed by Government for the examination of officers of the Forest Department in the Bombay Presidency :—

(1). Forest officers will be required to pass examinations in the following subjects :—

(*a*) Languages (according to the Lower and Higher Standards prescribed for Junior Civilians).

(*b*) Land Revenue.

(*c*) Forest Law.

(*d*) Procedure and Accounts.

(2). Examinations in all the subjects will be held in April and October of every year before the Central Committee for Departmental Examinations, to which a Conservator of Forests or a Deputy Conservator of Forests in charge of a circle will be appointed from time to time as an additional member. Examinations in languages alone will be held in January and July before the Sub-Committee for Vernacular Examinations of the Central Committee of Departmental Examinations.

(3). Every officer shall present himself for examination according to the Lower Standard in the language of the division in which he is serving at the latest at the first meeting of the Central Committee after he has been 9 months in the service in this country, whether as Assistant Conservator of Forests, Second Grade, or as Extra Assistant Conservator of Forests, Fourth Grade, and he shall be placed under stoppages of 10 per cent. of his pay, should he fail to pass within 18 months of the date of his joining the service in the Presidency.

(3) *To be inserted as a corrigendum to Part I of the Chapter relating to Forests at page 473 of the Compilation of Standing Orders of Government in the Revenue Department.*

"In No. 6 of the rules for the examination of Forest Officers *for* the words 'the standing orders and rules of the Forest Department of the Presidency' occurring in clause (*b*) under Procedure and Accounts, substitute the following :—

'The Chapter relating to Forests in the Compilation of Standing Orders of Government in the Revenue Department in so far as it is not covered by the examination in the Forest Act';

and *insert* the following as clause (*d*) : —

'Standing orders of the Accountant General'.

(4). "No officer will be eligible for promotion out of the grade of Assistant Conservator of Forests, Second Grade, or of Extra Assistant Conservator of Forests, Fourth Grade, as the case may be, until he has passed a further examination in the language of his division according to the Higher Standard, and has qualified in—

(*a*) Land Revenue,

(*b*) Forest Law,

(*c*) Procedure and Accounts,

according to the tests prescribed in Rule 6.

(5). For the purposes of these rules, the following languages shall be held to be those of the different Forest Circles :—

Central		Maráthi.
Southern ...	Ratnágiri, Kolába and Belgaum.	Maráthi.
	Dhárwár, Bijápur and Kánara	Kánarese.
Northern...	East and West Thána.	Maráthi.
	Surat and thePanch Maháls.	Gujaráti.
Sind		Sindhi.

In the case of the Circles against which two languages are entered, the language of the division in which the Forest officer is serving will be the language in which he will be required to pass.

(6). The tests in Land Revenue, Forest Law, and Procedure and Accounts will be as follows:—

Land Revenue.

Act No. V of 1879, entitled the Bombay Land Revenue Code, Chapters I and II; of Chapter V, Sections 37 to 44; of Chapter VI, Section 62, Clause 2; and Chapter IX; Rules 35 to 37, 91 to 98B (Trees) and 100 to 106 (Boundary marks) of the Rules under Section 214 of the Bombay Land Revenue Code.

Forest Law.

Act No. VII of 1878, the Indian Forest Act, 1878, as modified up to date, with all the rules published and in force at the time being under different sections of that Act.

Procedure and Accounts.

Not more than 12 questions from—

(*a*) Such portions of the Forest Department Code as have been applied to the Bombay Forest Department.

(*b*) The standing orders and rules of the Forest Department of the Presidency.

(*c*) Rules which have been published under the Sea Customs Act, 1878, the Arms Act XI of 1878, the A'bkári Act V of 1878 and are in force at the time being and apply to the Forest

Officers in the Forest Department of the Presidency.

(7). In addition to the examination above described any officer of the Forest Department of less than 15 years' standing who may be transferred from one division to another division, in the language of which he has not passed either according to the Lower or Higher Standard, will be required to pass an examination according to the Higher Standard in the vernacular of his new division, within one year of his transfer; and in the event of his failing to do so, a reduction of 10 per cent. will be made from his salary until he has qualified, or has been transferred to another division, in the vernacular of which he has previously passed.

(8). Officers of the Upper Controlling Staff of the Forest Department may, with the previously obtained permission of Government, offer themselves for examination in any one or more of the languages of the Forest Circles of the Presidency mentioned above in addition to those in which they may be required to pass under Rules 4 and 7, and in the event of their passing will be entitled to the following language allowances:—

Rs. 250 for passing in the Lower Standard.

Rs. 500 for passing in the Higher Standard, subject to a deduction of any allowance already drawn for passing in the same language by the Lower Standard.

(9). No Forest Officer will be permitted to present himself for examination by two standards in the same vernaculars simultaneously.

(G. Rs. Nos. 2, dated 3rd January 1894, 9775, dated 29th November 1894, and 405, dated 18th January 1898.)

4. It has been the practice to attach the designation of "Supernumerary" to the trained Assistants sent out by the Secretary of State from England, irrespective of their position on the general list. In future, however, the term "Supernumerary" will only be applied to officers whose names at the time stand at the bottom of the consolidated list, and who are therefore in excess of the sanctioned scale. The supernumeraries should be absorbed into the sanctioned scale on the occurrence of either permanent or temporary vacancies in the Department in this country. (G. I., A., R. & C., No. 527-F., dated 10th April 1873; *vide* G. Rs. Nos. 2351, dated 24th April 1873, and 9143, dated 29th December 1882.)

5. Local Governments and Administrations will exercise their discretion in regulating the movements of Forest Officers appointed from England on arrival, taking care to prevent any abuse of the rules relating to joining time. (G. I., R. & A., No. 19-F., dated 17th August 1893; *vide* G. R. No. 6857, dated 23rd September 1893.)*

* For the form of agreement entered into by Forest Officers appointed from England to the Indian Forest Service, *vide* Government Resolution No. 9299, dated 26th November 1892.

6. The covenant of the trained Forest Assistants bars their promotion until they do qualify, but does not confer any right to immediate promotion when they have qualified. (G. I., R. & A., No. 700, dated 26th June 1874; *vide* G. R. No. 3460, dated 7th July 1874.)

7. The Conservators and Deputy Conservators in charge of circles should submit for transmission to the Government of India reports regarding the physique and suitability, in respect to general health and constitution, for forest duties of the Forest Officers appointed from England by the Secretary of State on the completion of the first year of their residence in India. (G. R. No. 5172, dated 23rd June 1892.)

8. Distinguished Forest students at the Cooper's Hill College will be annually appointed Fellows of that College in the same way as Engineer students are appointed. The selection for fellowships will be made by the President of the College in consultation with the Principal Professor of Forestry, and not more than two students will be selected in any year. The title "Fellow of Cooper's Hill" will be attached to the names of Forest Officers gaining the distinction in the official civil lists, as is done in the case of Engineer Officers who have gained fellowships. (S. of S., No. 55 (Rev.), dated 21st July 1892; *vide* G. R. No. 8187, dated 15th October 1892.)

9. As a rule, privilege leave will not be granted to Forest Officers during the hot weather months. (G. R. No. 1558, dated 24th March 1874.)

10. Except for very special reasons, privilege leave should not be applied for and cannot be granted to Forest Officers during the cold season, when their work is heaviest and most important, and they cannot leave their districts without detriment to the public interests. (G. R. No. 6553, dated 8th December 1879.)

11. Covenanted Forest Officers are not entitled, under the terms of their engagements for service in India, to receive their leave allowances in England at the rate of two shillings to the rupee. (G. I., R. & A., No. 417-F., dated 23rd March 1891; *vide* G. R., F. D., No. 1294, dated 8th April 1891.)

12. Temporary transfers made by Conservators of Forests of an officer from one district to another on an important but temporary work should always be brought to the notice of Government. (G. R. No. 2573, dated 22nd May 1874.)

13. All Divisional Forest Officers should, as a rule, be supplied with Part I of the *Bombay Government Gazette*. (G. R. No. 1240, dated 7th March 1879.)

14. Government will be glad to receive applications from Forest Officers going on furlough, who desire to avail themselves of the offer made by the Secretary of State in the following despatch to the

Government of India, No. 7 (Revenue), dated 20th January 1881:—

"I transmit herewith, for your Excellency's information, copy of a letter* from Colonel Pearson, proposing, in view of the late disastrous landslip at Naini Tâl, that Forest Officers who may be at home on furlough should from time to time be deputed to visit the works in the Basses and Hautes Alps for the prevention and repair of similar landslips on the sides of the Alps.

* Dated 18th October 1880.

"2. This suggestion seems worthy of adoption, and I shall be prepared to sanction the employment on deputation of any Forest Officer on furlough whom your Government may recommend for the purpose on the terms accorded to officers visiting works at the public expense."

(G. R. No. 2549, dated 7th May 1881.)

15. No grant will be made by the Secretary of State for India towards the cost of Forest Officers' tours in Europe or elsewhere unless such tours are undertaken at the request or with the previous sanction of the Government of India. (S. of S., No. 30, dated 14th March 1889; *vide* G. R. No. 7102, dated 20th September 1889.)

16. The following rules have been prescribed by the Government of India to authorize selected officers of the Forest Department to study during furlough, at the public expense, forest operations on the Continent of Europe:—

(1). A Forest Officer, desirous of obtaining permission to study Forestry on the Continent, under these rules, must submit an application, through the Conservator under whom he is serving, to the Local Government.

(2). The Local Government will forward the application to the Inspector-General of Forests, with the remarks of the Conservator and its own recommendation in the case.

(3). The Inspector-General of Forests will submit the application to the Government of India for orders.

(4). The Government of India will require to be satisfied that the officer applying is likely to profit by the additional experience which he will gain by Continental study, and that he possesses a sufficient knowledge of the language of the country which it is proposed that he should visit.

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* From—COLONEL G. F. PEARSON.

To—HER MAJESTY'S UNDER SECRETARY OF STATE FOR INDIA.

I am induced by the late disastrous landslip at Naini Tâl to do myself the honour of addressing you with a view, if possible, to the deputation from time to time of any Forest Officers who may be at home from India on furlough to visit the works in the Basses and Hautes Alps (especially near Barcellonette and Embrun) with a view to the prevention and repair of similar givings-way of the mountain sides in the Alps. There are huge landslips in the Alps which have covered the vineyards and habitations from three to four kilometres along the bottom of the valleys, and have destroyed property to an enormous value, but which have been successfully treated by various works, and especially by planting the hills around and above them, thereby preventing the water, when there is a heavy fall of rain, from forming a torrent, which is the main cause of these catastrophes. Some of these landslips must be three or four times the size of that at Naini Tâl, and it is impossible to suppose that the same means which have been effective in the Alps should not equally succeed there.

(5). The application must reach the Government of India not less than four months before the date on which it is proposed to commence a Continental tour.

(6). If the application is sanctioned, the officer should place himself in communication with the Inspector-General of Forests, under whose instructions the plan of study proposed will be arranged.

(7). If an officer should be deputed direct from India to the Continental forests, he will receive his orders from the Government in India; but if he should proceed to England, it is advisable that he should report himself to the Revenue Secretary at the India Office, and it will rest with the Secretary of State to decide what localities are to be visited.

(8). The total period to be spent on deputation will not, as a rule, exceed six months; and an officer will not be allowed, save in very exceptional circumstances, to proceed to the Continent under these rules more than once. At the end of the period of of deputation, the officer selected will submit to the India Office a diary, showing how his time has been spent, and a report which should indicate fully the nature of the operations studied and which should also include suggestions as to the application of such operations to India. The Secretary of State will decide whether the diary and the report show that the time of the officer has been properly employed, and will determine accordingly for what period the daily allowance admissible under Rule IX may reasonably be granted.

(9). Each officer will be paid, through the India Office, the cost of a first class return ticket, or two single tickets in cases where a return ticket available for the period of deputation is not procurable, between London and the place to which he may be initially deputed; or if he should proceed to the forests without first coming to England, he will be paid his railway fare from the port of debarkation to the place to which he may be initially deputed and his fare from the latter place to London; provided that the aggregate amount does not exceed the sum to which he would have been entitled if he had proceeded from London. He will also, subject to the preceding rule, be granted a daily allowance of ten shillings during the period of his deputation. Travelling allowance bills in full detail must be submitted to the Revenue Secretary at the India Office.

(10). The reports, notes, and drawings submitted by an officer may not, without the previous permission of the Government of India, be communicated to any professional journal or institution; and the Government of India will be at liberty to print, publish, or circulate them should they think fit to do so.

Note.—Forest Officers who desire to study Forestry on the Continent under these rules should particularise some specified object which they have in view, or some special study which

they desire to undertake, when submitting an application under the rules referred to.

(G. I., R. & A., Nos. 2-F., dated 18th January 1894, and 453-F., dated 6th June 1898; *vide* G. Rs. Nos. 1231, dated 15th February 1894, and 4328, dated 1st July 1898.)

17. It should be notified to all Forest Disbursing Officers that any failure on their part to carry out the Accountant General's orders as regards deduction of rent due from their salaries will be seriously noticed by Government. (G. R. No. 3228, dated 4th May 1893.)

18. The Accountant General is authorized to prepare a monthly gradation list of officers of the Forest Department, and submit it for the approval of Government. (G. R. No. 8842, dated 10th November 1884.)

19. In the Gradation Lists of Forest Officers :—

(1). Professionally trained officers should be indicated by an asterisk before their names.

(2). Particular letters should be placed after the names of officers who have passed the prescribed Departmental Examination in Land Revenue system and Forest Law.

(3). Columns should be added to show the vernacular qualifications of each officer and the Forest Division in which he serves.

(G. R. No. 5296, dated 24th July 1886.)

20. The Accountant General should include in the monthly gradation list of Forest Officers a classified roll of the Forest Rangers serving in this Presidency. To enable the Accountant General to do this, the Conservators of Forests should furnish direct to that officer, not later than the 10th of each month, a classified list of Forest Rangers serving in their respective circles; and in preparing the list the form of the monthly Gradation List issued in the case of gazetted officers should be adhered to as far as possible, and a column should be added showing the division and range in which the officers are serving. (G. Rs. Nos. 4314, dated 11th July 1887, and 5099, dated 4th August 1887.)

21. The Accountant General should prepare from 1st January 1891 a half-yearly classified list (for 1st January and 1st July) of Forest Officers in the Bombay Presidency, and forward 300 copies thereof direct to the Government of India not later than 1st February (as regards the list for 1st January), and 1st August (as regards the list for 1st July.)

The list should be prepared after comparison with the latest monthly list as approved by Government and promulgated from the Secretariat. Ten copies should be sent to this Government. The Superintendent, Government Central Press, should print the number of copies of the list that may be required by the Accountant General from time to time.

(G. I., R. & A., No. 630-F., dated 25th July 1890; *vide* G. R. No. 6550, dated 16th September 1890; *vide* also G. Rs. Nos. 3443, dated 19th May 1891, and 3994, dated 31st May 1893.)

22. In these half-yearly lists, information should be inserted showing the duration of an officer's employment in the district noted under the column 'present charge.' (G. I., R. & A., No. 2-F., dated 12th January 1893; *vide* G. R. No. 1142, dated 9th February 1893.)

23. It is undesirable, as a general rule, that Assistant Conservators who have not passed the prescribed Departmental Examination in the vernacular languages of their district, in Forest Law, Departmental Rules, &c., should be placed in charge of a forest division. (G. R. No. 1475, dated 23rd February 1886.)

24. Officers who have not shown by passing the examinations that they are qualified to be in charge of divisions will not be appointed to act as Assistant Conservators. (G. R. No. 7265, dated 25th October 1887.)

25. The rule published in Section 39 of the Forest Department Code (Fourth Edition) regulating the position of Forest Officers on promotion to the First Grade of Assistant Conservators should apply to the Bombay Presidency as the similar rule does with the Covenanted Civil Service. The words '*cæteris paribus*" occurring in this clause, should be interpreted as meaning that for natives of India or persons appointed in India the rule will be subject to the proviso contained in the last sentence of Section 37. (G. R. No. 2971, dated 12th May 1887: and G. I., R. & A., No. 7-284-18-F., dated 26th September 1898; *vide* G. R. No. 6941, dated 29th October 1898.)

26. The present system in the Forest Department under which the junior acting officer *on the general list* is displaced by the return to duty of a permanent incumbent, might, and apparently sometimes does, lead to a reduction of establishment in one circle in consequence of an addition to the strength of another. Instead of the present practice, the rule should obviously be that on the return to duty of a permanent incumbent the junior acting officer *in the circle to which the permanent incumbent returns* should (failing special orders of Government to the contrary) be displaced.

It is meant by the above orders that when a higher official in a circle goes on leave, a lower official in *that* circle officiates.

(G. Rs. Nos. 5634, dated 7th August 1886, and 2398, dated 21st April 1887.)

27. Conservators should make no delay in reporting to the Accountant General the resumption of his duties by an officer on return from leave. (G. R. No. 7339, dated 16th October 1886.)

28. In the Forest Department, pay in no way depends on the charge held by an officer, but solely on his rank in the graded list of the Department. (G. R. No. 5704, dated 14th August 1890.)

29. The Conservators' Personal Assistants should be selected from the Extra Assistant Conservators. (G. R. No. 8315, dated 22nd October 1892.)

30. Substantive *pro-tempore* promotion from grade to grade within the classes (1) of Extra Assistant Conservator and (2) of Extra Deputy Conservator, as well as officiating or substantive *pro-tempore* promotion to either of those classes from the class next below, are permissible. But officiating promotion from grade to grade within each of the classes of Extra Assistant and Extra Deputy Conservator is inadmissible under the Civil Service Regulations. (G. I., R. & A., No. 7-F., dated 8th May 1893; *vide* G. R. No. 4216, dated 12th June 1893.)

31. The health of Forest Officers who are necessarily out in the forests during a large portion of the most unhealthy season of the year, should be cared for as far as may be possible, and nothing will tend more to this end than the building of small huts for their accommodation in convenient situations. (G. I., A. R. & C., No. 465 of 11th April 1872; *vide* G. R. No. 2021, dated 26th idem.)

In respect of the grant of *ex-officio* titles, the native officers of the Forest Department should be put on the same footing as native members of the Public Works Department, who do not hold such titles. No *ex-officio* titles should, therefore, be conferred on officers of the class of Extra Assistant Conservators. Those of the Extra Assistant Conservators who received the title of Ráo or Khán Sáheb as Sub-Assistant Conservators under the orders contained in Government Resolution No. 1159, dated 5th March 1874, should, however, retain it while they remain in the Department.

(G. R. No. 8435, dated 17th November 1893.)

32. The rule regarding charge allowance in Article 178 (*c*) of the Civil Service Regulations can only be held to apply to forest divisions in the ordinary acceptation of that term. Each Working-Plan party in the Bombay Presidency cannot be constituted a separate forest division for the purposes of the article in question. (G. I., R. & A., No. 578-F., dated 31st May 1894; *vide* G. R., F. D., No. 2055, dated 21st June 1894.)

(*B*).—*Position, Powers and Functions of Forest Officers.*

1. The object of binding together as closely as possible the revenue and forest administration in the Bombay Presidency is most desirable and should steadily be kept in view. But it is equally important that the responsibility of the Conservators, each

in his own division, should be clearly defined. The Conservators should be kept regularly informed of all orders issued on forest matters in their divisions, by Government, the Commissioners, and Collectors; they should be made acquainted with all business that passes between Collectors and Divisional Forest Officers; and, as a rule, they should be consulted on all forest business that comes before Government or the Commissioners. (G. I., P. W. D., No. 637-F., dated 21st October 1870; *vide* G. R. No. 5460, dated 8th November 1870.)

2. The great thing is to ensure unanimity of feeling and action between the Revenue and Forest Officers. If this is once secured, forests will be properly conserved, the legitimate wants of the people will be met, and discontent will be reduced to insignificant proportions. The Commissioner is the superior officer both of the Collector and the Conservator, and he is, after due consultation with the Collectors and Forest Officers, to make definite proposals for the amelioration of any defects in forest affairs which may be brought to his notice. (G. R. No. 1840, dated 5th April 1879.)

3. It is the often repeated wish of Government that all Departments concerned in forest conservation should act in co-operation, and questions should not come before Government until the local authorities have done their utmost to settle them, when a final recommendation in which they all concur, or any point on which they are unable to agree, should be referred for final orders. (G. R. No. 6538, dated 4th September 1883.)

4. Government do not desire forest questions to be put before them while in the stage of incomplete discussion, and only those points should be referred for decision on which Departments are unable to agree. It is but reasonable to expect that cases shall not be submitted until the facts are thoroughly ascertained and understood, and that the views upheld shall be reasonable in the light of past orders and proceedings, and regardful of the difficulties with which Government have to contend. (G. R. No. 8505, dated 28th October 1884.)

5. Forest administration is a branch of the general administration, requiring the services of the executive staff at the disposal of the Collector and Magistrate just as much as any other branch of revenue or police administration, and, should occasion require it, those services may be directed to a special duty in connection with forest administration as a matter of ordinary discretion. In providing a special establishment for forest purposes Government did not intend and cannot allow the ordinary executive to be relieved of any responsibility which before attached to it; it is as much a part of the duty of Village and Revenue and Police officers to protect Government property in trees *now* as it was before trees were transferred to the Forest Department. In districts where there are

no forest establishments, this duty has been satisfactorily performed.

The relations of the Forest Department to the district officials have perhaps been occasionally discussed in a manner that may have tended to obscure the general responsibility of district officers in forest matters, and it is not improbable that the friction between Land Revenue and Forest Officers, which Government has occasionally had to regret, might have been obviated had it been clearly understood that responsibility for a wise and efficient administration of forest matters lies as much upon Collectors and their Assistants as upon the officers of the Forest Department.

The general policy of the Government in relation to forests has now been very fully brought on the record, and district officers generally may be trusted to take an intelligent interest in the forest administration of their charges. It is desirable that measures should be taken to place the forest branch in closer connexion with the ordinary administration; in many cases at present it receives from the district staff less recognition than Education, Registration, Public Works, and other services organized with special establishments.

(G. R. No. 2448, dated 8th April 1890.)

6. The guiding principle that forest administration is a branch of general administration, and that responsibility for a wise and efficient management of forests rests as much with the Collectors and their Assistants as with the officers of the Forest Department, has been laid down in Government Resolution No. 2448 of 8th April 1890. While on the one hand, the creation of a separate and specially trained Department has made it unnecessary and undesirable that Revenue Officers should interfere with the professional work of Forest Officers, it is essential, on the other hand, that the position and authority of the Collector, as the officer responsible for the executive management and well-being of his district and the head of the Forest Department therein, should be upheld and effectively safeguarded. This principle is of general application; but its observance is specially important in districts such as Thána, where large tracts, formerly recognized as open to the villagers for communal purposes, have been included in forests, and where, as observed by the Forest Commission, former custom and conditions of agriculture give the cultivators strong claims to liberal treatment in all arrangements for the distribution of forest produce, and where, owing to the system of forest demarcation which circumstances have made it necessary to adopt, local as well as Imperial wants have generally to be met from the same areas. In its management of forests the ease and contentment of the people is an object of greater solicitude to Government than the realization of revenue, and while no relaxation of precautions necessary for the conservation and reproduction of

the timber and firewood supplies can be permitted, and the Forest Officers must be vigorously supported in resisting unauthorized encroachments, Government have no desire to increase their forest revenue by the curtailment of conceded privileges or of local supply, or by the levy of excessive charges for grass and other minor forest produce. The benefit of any revenue so obtained would be altogether insufficient to countervail the hardship and irritation that would be caused were the rayats unduly pressed in the matter of obtaining *rán* and firewood, grazing for their cattle, or grass for thatching and other household purposes. In this connexion, the attention of all officers is called to the orders passed in Government Resolutions No. 7467 of 15th September 1885 and No. 7022 of 4th October 1886.

Note.—The orders contained in this paragraph apply to the grazing of sheep and goats as well as cattle. (G. R No. 775, dated the 29th January 1891.)

(2). Government are sensible of the zeal by which the Conservators and Forest Officers generally are actuated, and of the good work which is being done by them. Unless, however, the Revenue Officers keep a watchful eye over all forest operations affecting local supply and local privileges, there is evident danger of the intentions of Government being frustrated and misconstrued through excess of zeal for conservancy on the part of forest officials. Disregard of the rule which requires all orders regarding privileges to be sent through the Collectors has on more than one occasion caused hardship and inconvenience to forest villagers, which might doubtless have been avoided had the Collector been given the opportunity of objecting, which the rule itself provides. It is to the Collectors and Commissioners that Government must look to exercise the check which is required, and to enable them to do so more effectually than at present it is necessary to direct that in future all orders affecting local supply and privileges in forests shall be issued *exclusively* by the Collectors, and shall be communicated to the people interested through the ordinary revenue channels. All orders regarding closure of forest compartments, whether for planting or reboisement, or for punitive purposes, except closure of coupes recently felled in regular rotation in accordance with duly sanctioned working plans, must be held to fall within this category. It must be understood that the position of Divisional Forest Officers is, in all but purely technical matters, that of Assistants to the Collectors for forest purposes, and that their subordination to the Collectors is no less than that of District Superintendents of Police to District Magistrates. It will, of course, be open to the Forest Officers to move the Collectors to issue such orders as occasion may demand, but the orders when issued must be the Collector's own orders and must be communicated as such to the people concerned through the Mámlatdárs and village officers. Should a Collector refuse to issue any order which may be

considered necessary by the Forest Department, the question may be referred by the Conservator to the Commissioner; but in no case should Conservators or Divisional Forest Officers hereafter themselves issue any orders of the nature referred to.

(3). Government consider that exemplary punishment should be inflicted on village officers whenever damage has resulted to Government forests through culpable negligence on the part of those officers.

(4). The Collectors should be kept informed, and should in turn inform their Assistants, of all changes in the *personnel* of the higher forest subordinates.

(5). It should be distinctly understood that the Collector and Magistrate has the same power at all times to order an investigation into alleged misconduct on the part of Forest officials, as he has in the case of Police and Revenue establishment, and he can entrust the enquiry to any district officer whom he may select.

(6). The Forest Commission recommended (Chapter IV, paragraph 80) that all working plans should, before final sanction, be submitted to the Collector of the District concerned for careful scrutiny, and Government consider it essential that the Collectors should have full opportunity of judging of the effects of the proposed closures of forests, and of suggesting such modification in the plans as are imperatively necessary to meet the reasonable wants of the people. Government also consider it very important that in the Konkan the compartments of a forest block should be felled in regular rotation as they fall due. The system of selling compartments by contract is progressing satisfactorily. It appears, nevertheless, that a considerable number of the compartments which ought to be felled in any particular year in Thána remains, for some reason or other, unsold. As the sufficiency or otherwise of provision for the *rán* supply of the forest villages of that district depends on the regular periodical cutting of each compartment of a forest block in its turn, it is obvious that, if compartments remain unsold and unfelled, hardship and inconvenience must result to the villagers whose wants in this respect these fellings are expected to supply. The contentment of the villagers and the efficiency of the system of working plans alike depend on the felling of compartments in regular rotation. Except under very exceptional circumstances no deviation from the regular plan should be permitted, and no compartments which ought to be felled in any particular year should be left unfelled. If the Forest Department is unable to sell profitably to contractors all the compartments that fall due for felling, and if departmental felling is for any reason impracticable, it will be necessary to permit the villagers to enter the unsold compartments and to lop for themselves the material to which they would have been entitled had such compartments been felled in ordinary course, or to meet the villagers' requirements

in such other manner as the Conservator may be able to devise and the Collector and Commissioner may consider sufficient.

(G. R. No. 650, dated 26th January 1891.)

7. To require all correspondence between Collectors and Divisional Forest Officers to pass through the Conservators is not in accordance with the principles laid down in Government Resolution No. 650, dated 26th January 1891. It is stated in that Resolution that responsibility for the executive management of forests, except in matters relating to professional forestry, vests in Collectors, and further, in paragraph 5 of the same Resolution, that the position of Divisional Forest Officers is, in all but purely technical matters, that of Assistants to the Collectors for forest purposes, and that their subordination to the Collectors is no less than that of District Superintendents of Police to District Magistrates. To permit Divisional Forest Officers to carry on correspondence with their Collectors through the Conservators would destroy the direct subordination which it is the desire of Government to enforce. It is not intended, nor is it desirable, that the Conservators should ordinarily interfere in every detail of administration for which the Collectors are responsible. They should confine their attention mainly to the purely professional matters of forest management, with which the Revenue Officers are expressly debarred from interfering by the orders conveyed in the same Resolution. It is open to the Collectors to consult the Conservators on *any* points affecting forest management, and Government expect that they will consult them freely on all important matters, and especially when differences of opinion on such matters may arise between themselves and their Forest Assistants. The procedure to be followed when a Collector refuses to issue any order considered necessary by the Forest Officers, is laid down in the Government Resolution above cited. (G. R. No. 4111, dated 16th June 1891.)

8. In exercise of the power conferred by Section 75(*a*) of the Indian Forest Act, VII of 1878, and of other powers enabling him in this behalf, the Governor in Council is pleased to make the following rules, in supersession of all previous rules on the same subjects, for prescribing and limiting the powers and duties of Forest Officers under the said Act :—

(1). Forest administration, as a branch of land revenue administration, is under the chief controlling authority which, by Section 4 of the Bombay Land Revenue Code, 1879, is vested in the Commissioner, subject to the Governor in Council. All Forest Officers, as well as Revenue Officers, who are concerned in the management of forests, are therefore subject in all matters relating to forest administration to the Commissioner.

(2). The Collector of each district, in subordination to the Commissioner and subject to the

orders of Government, is responsible for the due management of the forests therein; and for this purpose all Forest Officers within the district shall be subject to the orders of the Collector. Divisional Forest Officers will be Assistants to the Collector for forest purposes.

All Divisional Forest Officers and their subordinates shall in all but purely technical matters be subordinate to the Collector of the district in which they are serving.

(3). The duties and powers of Assistant and Deputy Collectors in charge of tálukas in respect of forest matters shall be regulated by the same provisions which are laid down in Section 10 of the Bombay Land Revenue Code, 1879, in respect of revenue administration generally.

(4). Subject to the other provisions of these rules, each Conservator of Forests in his own Circle or Deputy Conservator in independent charge of a circle is invested with the direction of all professional operations of technical forestry.

(5). Except in so far as is otherwise directed in rules or orders of Government, the departmental control of all Forest Officers in a circle vests in the Conservator of Forests of that circle, or in that of the Deputy Conservator in independent charge of a circle.

(6). Divisional Forest Officers shall, in the posting and distribution of the subordinate forest establishment, comply with any orders they may receive from the Collector.

(7). No appointments to offices higher than that of round guard shall be made by the Conservator or other Forest Officer without consulting and obtaining the consent thereto of the Collector of the District.

(8). In all matters relating to local supply, including that of grass and grazing or the rights and privileges of the people in or in respect of forests, orders shall be issued by the Collector alone and not by any Forest Officer, and such orders shall be communicated to those concerned through the ordinary revenue channels.

This rule applies also to pastures and fodder reserves, the management and control of which is vested exclusively in the Collector, subject to the orders of the Commissioner and of Government, and with respect to which the Conservator of Forests is to act in the capacity of consultative officer only, advising and giving his opinion on all questions of a professional or technical character referred to him by any of the said authorities.

(9). No forest compartment shall be closed, whether for planting or reboisement or for punitive purposes, except under the order or with the approval of the Collector.

This rule does not apply to the closure of compartments which have been recently felled in

strict accordance with a duly sanctioned working plan.

(10). Subject to any instructions which may be given by the Commissioner, orders issued by a Conservator to any Divisional Forest Officer and correspondence between the Conservator and any such officer shall be forwarded through the Collector, who will record such remarks thereon or, in matters other than such as are described in Rule 4, give such directions with regard thereto as he thinks fit.

In the event of a difference of opinion between a Collector and the Conservator of Forests, either officer may refer the matter to the Commissioner, who will either dispose of the reference himself, or, if he thinks it necessary, obtain the orders of Government.

(11). In matters relating to departmental finance or to appointment, transfer, or leave of establishment, in which the orders of Government are required, a Conservator may report to Government direct.

(12). Every Divisional Forest Officer shall prepare and submit, before the end of June or middle of July in each year, the provisional plan of operations, which he proposes to carry out in the ensuing year in the area under his official charge, to the Collector of the District.

(13). The Collector shall—

(*a*) consider all plans submitted to him under the last preceding rule, with special reference to any proposed closure of forest areas against grazing or other privileges, and shall see that due provision is made for local wants, and

(*b*) if he considers any such plans open to objection in such connection, shall return the same with any comments, and for compliance with any directions he may make, to the officer by whom they may have been submitted.

(14). The Collector shall forward to the Conservator of the Circle such plans as meet with his approval.

(15). Before the commencement of each season, information as to the principal operations to be carried out in each district shall be communicated to the Collector thereof.

(16). It shall be the duty of the local Forest Officers to inform the Collector as to the places where any cutting is to be made, or special protection is needed, so that the Collector may make known, through his Assistants and other subordinates, to the local public the places

(*a*) where supplies of wood, grass or rab, &c. may be obtained, and

(*b*) where the grazing of cattle is prohibited or allowed.

(17). It shall be the duty of all Revenue Officers to give every possible assistance to the Divisional Forest Officers by giving information of all cases of forest fires or of offences committed in forests, and of any neglect of duty by forest subordinates which may come to their notice, and to impress on their subordinates a sense of their obligation to protect the Government forests against theft or injury

(18). It shall be the duty of the Collector and his Assistants from time to time to inspect the offices and accounts of all Rangers within their charge, taking care that Range Officers are not withdrawn from important out-door duties to attend inspections.

(19). Letters from a Divisional Forest Officer to a Mámlatdár should ordinarily be sent through the Assistant Collector in charge.

(20). Orders by Forest Officers to village officers shall ordinarily be sent through the Mámlatdár to whom the village officers are subordinate, but may, if urgent, be sent direct, provided that in every such case copies of the order shall at the same time be sent to the Assistant Collector in charge and to such Mámlatdár as aforesaid.

(21). Compartments of a forest block shall be felled in regular rotation as they fall due.

(22). (*1*) If it becomes necessary to delay the felling of a compartment beyond the time at which such felling would according to regular rotation be due, the Collector of the District shall, in consultation with the Conservator of the Circle and subject to the sanction of the Commissioner of the Division, make arrangements for meeting the requirements of the villagers in the locality.

(*2*) For such purpose the villagers may, if necessary, and if no other arrangement is practicable, be permitted to enter the compartment the felling whereof has been so delayed and lop for themselves the material to which, but for such delay, they would have been entitled.

(23). When a Mahálkari or Chief Constable or any Revenue or Police Officer of higher rank camps in the limits of a forest village, or "in the limits of a forest beat or round," the forest guard shall report himself to such officer and bring his diary with him for inspection.

A forest guard need not report himself more than once to the same officer in one season, but should present himself on other occasions if sent for.

(24). The officer to whom report is made should, time permitting, inspect the forest guard's diary, and put such questions to him as may seem expedient with a view to ascertaining whether he is attentive to his duties. The village officers should also be questioned on the point.

A Revenue or Police Officer examining a forest guard's diary shall write the word "seen" below

the last entry, attaching his signature and the date of inspection.

(25). Time and opportunity permitting, the officers named should visit any forest block, plantation or special work in charge of the forest guard, who should, if possible, attend such officer on his visit.

(26). No Revenue or Police officer shall call a forest guard off his beat, nor shall a forest guard leave his beat in order to report himself to such officer.

(27). Rules 24, 25 and 26 do not apply to Collectors or Commissioners, who will exercise their own discretion in the matters therein dealt with.

(28). Subject to the orders of Government—

(*a*) the Commissioner in Sind shall have the direction, regulation and general control of all matters other than financial connected with forest administration in that province;

(*b*) the Commissioners of the Northern, Central and Southern Divisions shall be responsible for the entire executive administration of forest affairs within their respective divisions, and shall for the purpose of such administration—

(*a*) issue orders and instructions to Collectors, Conservators, and Deputy Conservators in independent charge of circles:

(*b*) interpret the orders of Government whenever doubts may arise in applying such orders;

(*c*) settle all matters in which any difference of opinion arises between the Forest Department and any other Department;

(*d*) promote generally the harmonious working of the Revenue and Forest Departments; and

(*e*) except in matters relating to departmental finance and to appointment, leave or transfer of establishment, in which the orders of Government are required, receive, consider and with their own views in each case, when such reference is necessary, refer to Government all reports respecting forest matters submitted to them whether from the Revenue or from the Forest Department.

(G. Rs. Nos. 7107, dated 6th September 1892, 8999, dated 15th November 1892, and 496, dated 21st January 1895.)

The term "departmental finance" used in Government Resolution No. 7107, dated 6th September 1892, should be understood as including only matters relating to forest accounts and purely account transactions.

(G. R. No. 805, dated 28th January 1893.)

In order to ensure the Commissioner's proper control and the exercise of his responsibility in forest matters, it has been directed in modification of all previous orders on the subject, that all official communications on the subjects mentioned below should be addressed by the Conservator or Deputy Conservator of Forests in charge of a Circle to the Divisional Commissioner concerned and not to Government direct :—

Thefts of Government money.

Applications for leave.

Correspondence regarding appointments of Forest officials and subordinates.

List of minor works of which the cost is less than Rs. 1,000.

List of urgent works costing more than Rs. 2,500.

Construction and repairs of roads, buildings, &c.

Reports regarding civil suits.

Inspection of Divisional Forest offices.

Change of head-quarters of Forest officers.

Powers to Forest officers under the Forest Act.

(G. R. No. 8350, dated 28th December 1898.)

9. Mámlatdárs and Chief Constables should consider it part of their duty to see that the protection of the forests is efficiently carried out. The forest protective establishment requires as much supervision as can be afforded. It is a part of the district establishment under the control of the Collector, and for the proper discharge of their ordinary protective duties the forest guards must depend much upon the co-operation of the village officers, Revenue and Police, and upon the Police themselves. Nothing seems to be a greater mistake than to leave the rank and file of the special departments, such as Forest, A'bkári, Opium, &c., outside the supervising agencies of Mámlatdárs, Chief Constables, Assistant Collectors, &c. The objection that such supervision would result in "friction" is simply met by laying down the extent to which supervision is to be exercised. (G. Rs. Nos. 2483, dated 24th April 1888, and 4832, dated 6th July 1889.)

10. The Conservator of Forests should communicate with the Political Agent on subjects connected with the political affairs of the Dángs in which he may consider interference necessary. (G. R. No. 5919, dated 24th November 1871.)

11. The Conservators of Forests should address the Accountant General's office, and not the Treasury officers, regarding any extraordinary demands their Department may have upon the treasuries. (G. R. No. 3264, dated 22nd May 1877.)

12. The Conservators of Forests in the Madras Presidency are permitted to enter into direct communication with the Bombay Conservators. (G. R. No. 2067, dated 12th March 1883.)

13. The Director of the Forest School at Dehra Dún is authorized to correspond, when necessary, direct with the Conservators of Forests in the Bombay Presidency on the subject of the analysis of specimens of soils obtained from forests that are protected against fire and from those that are not so protected. (G. I., R. & A., No., 595-F., dated 15th June 1888 ; *vide* G. R. No. 5274, dated 4th August 1888.)

14. Several instances having recently come to the notice of Government of officers in the Forest Department corresponding direct with the Inspector-General of Forests, on subjects in regard to which the control vests in this Government, the Governor in Council desires to impress on all officers of the Department that such procedure is not approved by Government, and if any practice of the kind exists in the Forest Department it should forthwith be discontinued.

Chapter I, Section 50 of the Forest Department Code, 3rd Edition, authorizes the Inspector-General of Forests to correspond officially with Conservators on professional subjects, and on other matters which do not involve questions of administrative or general policy, but that authorization relates to correspondence between the Inspector-General of Forests and officers subordinate to the Local Governments or Administrations, specified in Section 2, Chapter I of the Code, of the Provinces subject to the immediate control of the Government of India.

As mentioned in Government Resolution No. 7109, dated 6th September 1892, Revenue Department, the chief object in view of which the provisions of the Forest Department Code have been made applicable to the Forest Department of this Presidency, is the regulation of matters of account on the system adopted in other Provinces of India, and the provisions which regulate the official relations between the Inspector-General of Forests and the officers of the Forest Department serving under the Local Governments and Administrations mentioned in Section 2 of Chapter I of the Code do not extend to this Presidency.

(G. R. No. 8721, dated 5th November 1892.)

15. The Conservator and his Assistants ought to pass their time as much as possible in the jungles and not at the desk. (G. R. No. 3541, dated 21st July 1871.)

16. The Conservators of Forests should attend to any applications which may be made to them for an interchange of vegetable productions by the officers in charge of any of Her Majesty's Colonies. (S. of S. No. 10, dated 15th August 1871 ; *vide* G. R. No. 4847, dated 29th September 1871.)

17. The Conservator of Forests, S. C., is authorized to transfer his depôts from one town to another as he finds convenient and more paying to his Department, so long as he does not transfer the permanent

establishment sanctioned for one Collectorate to another, or by his arrangements involve any further cost than that allowed. (G. R. No. 2307, dated 23rd April 1873.)

Note.—Government Resolution, Judicial Department, No. 496, dated 23rd February 1886, gave a general sanction to all charges that might be incurred on account of rent of lands taken up for forest depôts in accordance with these orders.

18. His Excellency the Governor in Council is pleased to appoint all the Conservators, Deputy Conservators, and Assistant and Extra Assistant Conservators in the Bombay Presidency, including Sind, to exercise powers of a Forest Officer under Sections 20, 45, 46, 52 and 63, within their respective limits: the principal Forest Officer in each district to exercise powers under Section 25 (*c*) and each Conservator to exercise powers under Section 16 of the Indian Forest Act. His Excellency the Governor in Council is also pleased to declare hereby that the Collector in each district in the Presidency, including Sind, shall be the duly authorized officer with whose previous sanction the Forest Officer should exercise the power under Section 24 of the Indian Forest Act to stop ways and water-courses in reserved forests. (G. N. No. 6656, dated 26th December 1878, and G. R. No. 9355, dated 29th November 1892.)

Note.—By Government Resolution No. 6656, dated 26th December 1878, powers under Section 47 also were conferred on the Principal Forest Officer in each district.

19. In continuation of Government Notification No. 6656, dated 26th December 1878, His Excellency the Governor in Council is pleased to confer the power* of accepting money under Section 67 of the Indian Forest Act 1878, on Conservators, Deputy Conservators and Assistant Conservators *ex-officio*, with the proviso that the Conservators are to withhold the power from any Assistant Conservator to whom they consider it undesirable to entrust it.

(2). Government are also pleased to appoint Conservators and Deputy, Assistant and Extra Assistant Conservators to exercise the powers of a Forest Officer under Sections 55 and 56; the principal Forest Officer of a district to exercise the powers of a Forest Officer under Sections 24, 25, 33, 36, 37, 38, 50, 71 and 82; and rangers, foresters and forest guards to exercise the powers of a Forest Officer under Sections 45, 52, 63 and 69 of the Act.

(3). Conservators are also empowered *ex-officio* to exercise any of the powers assigned to their subordinate officers.

(G. N. No. 2186, dated 24th April 1879, and G. R. No. 9355, dated 29th November 1892.)

Note.—The gazetted officers of the Forest Department must clearly understand that Government will hold them strictly responsible for any abuse of these powers by the

* *Note.*—By Government Notification No. 739, dated 2nd February 1893, this power has also been conferred upon Extra Deputy and Extra Assistant Conservators of Forests when doing duty as Divisional Forest Officers.

overzeal of their subordinates, and that there is to be no interference with the forest rights of the people till after a careful enquiry and distinct orders approved by the Collector. (G. R. No. 2186, dated 24th April 1879.)

20. Forest Officers who are vested with the powers provided in Section 71 of the Indian Forest Act of 1878, have authority under Section 4 of the Indian Oaths Act, X of 1873, to administer oaths.

The form of summons for witnesses and for the production of documents given at No. 126 of the 4th Schedule to the Civil Procedure Code may be used *mutatis mutandis*, the necessary corrections in the printed form being made by hand.

The form of search warrant used by Magistrates given at page 57 of the High Court Circular Orders may be used, a few corrections that can easily be made by hand being all that is required.

It seems hardly requisite to use printed forms for depositions of witnesses; but if they are found necessary, the forms used by Magistrates will answer all the purposes of the Divisional Forest Officer.

(L. R. No. 1360, dated 1st November 1879; *vide* G. R. No. 5990, dated 8th idem; *vide* also G. R. No. 6971, dated 28th August 1885.)

21. Under Section 4 of Act X of 1873 a person who has by law authority to receive evidence may administer an oath or affirmation in the discharge of the duties or in exercise of the powers imposed or conferred on him by law. A Forest Officer has no power to take evidence in a case of embezzlement, and is not therefore authorized to administer an oath in such a case. (G. R. No. 7503, dated 26th October 1882.)

22. There can be no valid and substantial objection to the grant to Extra Assistant Conservators, as a class, of all the powers specified in Section 71 of the Indian Forest Act. Extra Assistant Conservators are, as a rule, officers of good standing and long experience, and it is improbable that the exercise by them of the various powers specified in Section 71 would prove a source of any inconvenience or annoyance to the people of the districts in which they are serving, whilst the possession by them of those powers might frequently prove of material administrative convenience.

As regards the Range Forest Officers, powers under (*a*) and (*b*) of Section 71 should be conferred on officers of this class when specially recommended and when held to be particularly qualified for their exercise by experience and discretion.

(G. Rs. Nos. 3487, dated 30th April 1884, and 9355, dated 29th November 1892.)

23. The following judgment of the High Court in appeal No. 61 of 1889 (in the case of *Mr. Waman Ramchandra Gavande, Sub-Assistant Conservator of Forests*, v. *Dipchand Balkisan*) shows that officers when discharging their duties with ordinary care and discretion are protected, even in a case of mis-

take, by any authority which in fact they have and which covers the particular act on which some person may sue as a wrong:—

"This is a suit brought against the defendant, an officer in the Forest Department, for having caused damage to the plaintiff by reason of 'his misconduct and his acting contrary to the law.' The defendant justified his conduct under Section 73 of the Indian Forest Act, VII of 1878, alleging that what was done by him was done in good faith.

"It is not in dispute that the carts containing the plaintiff's timber were stopped by the defendant on their way up the ghát to Poona, and the defendant himself admits that he did so, suspecting that the timber had been taken out of Government forests. Further, it is not in dispute that on the arrival of the plaintiff, who was some way behind the carts, he was asked by defendant if he had a pass, and that he replied that his servant had it; that the servant arrived the next day, when he produced a document which purported to be a pass given by the original owner to the plaintiff as purchaser of the timber. It was not contended that such a pass was a valid one under the rules made by Government with the sanction of Government of India in virtue of the Forest Act, there being no evidence that the owner, although he was a Pátel of the village, had authority to grant passes. The District Court, however, thinks it ought to have satisfied the defendant. This view is one in which we cannot concur, the pass not being a valid one—and although his principal motive at the time may have been that he suspected the timber had been stolen from Government forests, it is open to him now to justify the seizure on the ground of the commission of a forest offence arising from the want of a valid pass.

"It is said, indeed, by the District Court that owing to a Resolution of Government, No. 5437, dated the 7th July 1884 (Exhibit No. 40), a pass was not necessary. It is sufficient to say that that Resolution only referred to 'teak,' the ownership of which was in dispute between the Government and the occupants of the land on which it was grown, and, moreover, can only be understood (assuming that the Government intended to pass a Resolution *intra vires*) as settling the question whether such owners could move their timber as contemplated by clause (*c*) of Rule 13 without passes. But that clause clearly only allows timber to be moved within the confines of the village and has no application to this timber, which was being transported to Poona for sale. The defendant was, therefore, clearly entitled by law to seize the carts. But it was urged before us that although he might have been entitled to seize them he ought not to have detained them from 18th January till 22nd June. As to this the evidence shows that defendant wrote Exhibit 42 on 24th January to the Forest Ranger of Kolába stating his suspicion, that it was not '*málki*', but Government timber, and asking him to make inquiries; he also reported on 25th January 1886 what he had done to his superior officer, the Divisional Conservator of Forests of the Poona District. The plaintiff says he frequently asked the defendant to give him up the timber between January and May 1886 and was told by defendant that he could not do so until he got an answer, and that at last in May 1886 he himself wrote to the Divisional Conservator, the result of which was that the defendant was directed to deliver the timber to the plaintiff.

"Looking at Section 52, we agree with the District Judge that the defendant cannot justify the detention on the ground of an offence against the Forest Laws, not having taken the course which that section requires of bringing the matter before a Magistrate. But suspecting as he did that the timber had been taken from a Government forest, we think the defendant was justified, under the circumstances, in laying the matter before his superior officer and waiting for his orders. The circumstance that there had been robberies from Govern-

(2) *To be inserted as an addendum to Part I the Chapter relating to Forests at page* 496 *of e Compilation of Standing Orders of Government the Revenue Department.*

"30. Forests Officers are invested with the llowing powers under the A'bkári Act:—

Conservators, Deputy and Assistant and Extra Assistant Conservators, Forest Rangers Foresters	With the powers under Sections 36 and 37.
Forest Guards	With the powers under Section 37.

(Government Resolutions, No. 4510, dated 27th August 1879, and No. 9355, dated 29th November 1892)."

ment jungles in the neighbourhood from which the timbe came, as stated by defendant, and which was not denied coupled with the absence of a valid pass from the authorities was sufficient to justify his suspicion that it was not *malk* timber and his detaining the timber until he received order from his superior on the subject, and he cannot be held personally liable for the delay which occurred in obtaining them.

"It is said, indeed, that the defendant was afterwards shown a letter procured by the plaintiff at the defendant's desire stating that the Pátel had sold the timber from his *malk* number to plaintiff, and that he took the objection that it was not signed by the Kulkarni. Such an objection, we think, was one which the defendant might reasonably and in good faith take, and if plaintiff thought that the letter was sufficient for the purpose he could have taken it or asked defendant to send it to the Divisional Conservator of Forests in whose hands the matter then was, and, as we cannot doubt, with the plaintiff's full knowledge. Upon the whole, we think that the defendant acted throughout in good faith and has satisfactorily justified his conduct under Section 73 of the Act.

"That the question should have remained with the Superior Forest Authorities in suspense until May is necessarily matter of surprise, and if Government are unable to give some satisfactory explanation of it, the plaintiff is, to say the least, entitled to favourable consideration at their hands.

"We must, therefore, reverse the decree and dismiss the plaint, with costs throughout on plaintiff.

C. SARGENT.
K. T. TELANG."

(G. R. No. 6528, dated 15th September 1890.)

24. The attention of the Conservators should be drawn to the fact that inspection is one of the most important of their duties. The Conservators are required to inspect each Divisional Forest office in their circles once in each year. Failure to make the required inspection in any case should be explained in submitting to Government the general inspection report.* (G. R. No. 5308, dated 5th August 1891.)

25. The jurisdiction of the Conservator of Forests, N. C., does not extend to the City of Bombay. (G. R. No. 7016, dated 10th October 1891.)

26. His Excellency the Governor in Council is pleased, under Section 2 of the Indian Forest Act, No. VII of 1878, as amended by Act No. V of 1890, to appoint the officer for the time being in charge of the Remount-rearing Depôt at Ahmednagar to be a Forest Officer, and, under Section 75 of the same Act, is pleased to appoint the said officer to do all acts and exercise all powers that are prescribed by that Act or by rules made under it to be done by a Forest Officer or by any Forest Officer: such powers to be exercised in respect of the reserved forest known as the "Narayan Dev" Kuran in the Ahmednagar District, which has been transferred to the charge of the Army Remount Department as a grazing ground for young stock. (G. N. No. 5123, dated 20th June 1892).

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* The printing of the form of Conservators' Inspection Reports as a standard form was sanctioned by Government Resolution, General Department, No. 4033, dated 20th November 1891.

27. No. 8155A.—His Excellency the Governor in Council is pleased, under Section 2 of the Indian Forest Act, No. VII of 1878, as amended by Act No. V of 1890, to appoint the officer for the time being holding the post of Executive Commissariat Officer, Ahmednagar, to be a Forest Officer, and, under Section 75 of the same Act, is pleased to appoint the said officer to do all acts and exercise all powers that are prescribed by the Act or by rules made under it to be done by a Forest Officer or by any Forest Officer: such powers to be exercised in respect of the reserved forest kurans in the Nagar Táluka of the Ahmednagar District specified on the margin *, which have been assigned for the use of the Commissariat Department. (G. N. No. 8155 A., dated 14th October 1892.)

* Name of Kuran.	Name of village near which situated.
1. Sussawádi ...	1. Sussáwádi. 2. Kolhár. 3. Pimpálgaon Ujani.
2. Kápurwádi ...	1. Kápurwádi. 2. Deogaon,
3. Shendi ...	1. Shendi. 2. Dangarwádi.
4. Mánjarsumba	1. Pimpalgaon Málwi. 2. Mánjarsumba. 3. Dehera.
5. Ghospuri ...	1. Gutáwari. 2. Ghospuri.

28. Under Section 13 of the Indian Arms Act (XI of 1878), His Excellency the Governor in Council is pleased to invest the undermentioned officers of the Forest Department in the Northern Division, Southern Division and in Sind, with power to disarm persons going armed without a license, or in contravention of its provisions :—

1. Conservators of Forests.
2. Deputy Conservators of Forests.
3. Assistant Conservators.
4. Extra Assistant Conservators.
5. Rangers.
6. Foresters.
7. Forest Guards.

(G. N., J. D., No. 6714, dated 7th November 1879, and G. R. No. 9355, dated 29th November 1892.)

29. Conservators and Deputy Conservators in charge of circles are empowered to sanction all transfers of Extra Assistant Conservators within their respective circles. (G. R. No. 2021, dated 17th March 1893.)

(C).—Head-quarters.

1. Divisional Forest Officers must like other District Officers reside in their own district during the rainy season. Serious public inconvenience would obviously result from any departure from this rule. (G. Rs. Nos. 2040, dated 10th March 1885, 5027, dated 19th June 1885, and 3772, dated 3rd June 1891).

2. Divisional Forest Officers should, as a rule, reside during the recess season at the head-quarters stations of their districts to facilitate personal communications on forest affairs between themselves and the Collectors and Assistant Collectors. (G. R. No. 4063, dated 4th June 1889.)

3. The Conservator of Forests, S. C., is permitted to make Belgaum his head-quarters. (G. R. No. 3847, dated 25th June 1887.)

4. The head-quarters of the Conservator of Forests, N. C., should be at Bándra. (G. R. No. 3736, dated 22nd May 1893.)

5. The Divisional Forest Officer, East Khandesh, is permitted to reside at Dhulia during the rains. (G. R. No. 3117, dated 6th May 1890.)

PART II.—FOREST SUBORDINATES AND ESTABLISHMENTS.

1. The pay of Forest Rangers should be personal and they may be promoted on a general list, without the necessity of transferring them from the ranges in which they are employed. (G. R. No. 4023, dated 9th August 1878.)

2. A monthly maximum charge of Rs. 281-4-0 should be allowed for the supply of stationery to all Range Forest officers and officers in charge of sub-ranges in the Northern Circle. (G. R. No. 8933, dated 3rd November 1885.)

3. The responsible duties of marking timber for contractors should not be assigned to temporary employés,—persons who can know but little about such work, and concerning whose character and integrity very slight, if any, information is possessed by the officers appointing them. The Conservator should issue strict orders to prohibit the employment of such men on such a duty. (G. R. No. 545, dated 22nd January 1886.)

4. The Conservators should employ no establishments in excess of the limit laid down for each circle without the sanction of Government having been previously obtained in each case. (G. R. No. 6717, dated 22nd September 1886.)

5. The Conservator of Forests, N. C., is authorized to make appointments on the temporary establishment in anticipation of Government sanction, provided the limit of expenditure laid down for his circle is not exceeded. (G. R. No. 448, dated 18th January 1887.)

6. Labourers, &c., employed for a portion of the year on daily wages for building fences and keeping them in order should be considered as a part of the temporary establishment. (G. R. No. 448, dated 18th January 1887.)

7. The Conservators should submit statements of temporary establishments required for their respective circles by the end of January in each year at the latest, so that Government may be able to pass orders thereon before the commencement of the year for which the establishments are required. (G. R. No. 4646, dated 13th July 1888.)

8. The Conservators of Forests are invested with the power to sanction all transfers within their respective circles of permanent protective establishments below the rank of Extra Assistant Conservators. The Conservators should send to the office of the Accountant General a distribution statement each month showing how the establishment of each division stood on the first of each month and what transfers have been authorized. (G. R. No. 6051, dated 24th August 1886.)

9. Government do not intend that a forest guard who happens to be benighted in a village in which there is no chávdi should not be at liberty to pass

the night in a villager's house, but must insist that every guard should have in his own beat or round some permanent place of residence which may be either a hired hut, a hut of his own, or a building owned by the Forest Department. As there is no reason why guards should not build huts for themselves whenever material can be given, except that a few rupees of cash are also required, the Governor in Council would be ready to make this concession whenever the forest guards may require to be housed singly. (G. R. No. 8130, dated 18th November 1886.)

10. The foreman and mechanics employed on the temporary establishment of the Saw Mills in the Kánara District, when required to work overtime on week days for the purpose of effecting repairs and adjustment to the engines and machinery of the Mills, should be granted additional remuneration at the rate of a day's wages for every nine hours' extra work. The expenditure involved should be met from the sanctioned budget grant of the Southern Circle. Whenever it is necessary to pay overtime, the Conservator of Forests, S. C., should forward to the Accountant General's office a statement giving the names and the numbers of extra hours each man has worked, to enable the charges to be checked according to the rule of pay drawn by the men. (G. R. No. 708, dated 31st January 1887, and G. I., R. & A., No. 241-F., dated 7th March 1887 ; *vide* G. R. No. 2153, dated 5th April 1887.)

11. It should be understood that it is not intended that all forest subordinate establishments employed on daily wages should be classed as *fixed* establishments, but only such as are employed continuously from year to year for several months at a time. (G. R. No. 5940, dated 4th September 1888.)

12. The Accountant General is authorized to pass the charges payable to the Thána Municipality on account of water-rate and house-tax for the office of the Range Forest Officer of Sálsette. (G. R. No. 3959, dated 7th June 1890.)

13. First appointments to the class of Forest Rangers will be given to—

(1) Candidates who have obtained the Ranger's certificate at the College of Science.

(2) Foresters who, having passed through the Foresters Class at the College of Science, have rendered not less than five years' satisfactory service in one of the three highest grades of Forester.

(3) L.C.E. graduates of the Bombay University who have passed in the special subjects of Forestry and Botany, every third vacancy in the Rs. 50 grade being reserved for them.

(4) Subordinates of the Forest Department who have earned such promotion by long, faith-

ful and meritorious service, provided there are no officers of classes 1, 2 and 3 qualified for appointment, but not otherwise.

Note.—The Nos. 1, 2, 3 do not necessarily denote any preference of one class over another. As to 1 and 2, it does not seem necessary to lay down any proportion. It is presumed that ordinarily the appointments would be given to Class 1, discretion being left to the Conservators to promote specially deserving men of Class 2.

First appointment to the class of Extra Assistant Conservator of Forests will be given to—.

1st.—Forest Rangers—

(*a*) who have passed through the Ranger Class in the College of Science at Poona, or L.C.E.s who have been appointed Rangers, and have rendered not less than five years' satisfactory service as Rangers in executive charge;

(*b*) who were in the Forest Department as Rangers and who, though they have not passed through the Forest Class in the College of Science at Poona, have done long and specially good and faithful service, including a term of not less than five years as Forest Ranger and who possess a sufficient education, including a knowledge of English.

2nd.—L.C.E. graduates of the Bombay University who have taken up the special subjects of Botany and Forestry, and who have gained a class at the L.C.E. degree examination, one appointment in every three vacancies being reserved for them, provided they are below 25 years of age when the vacancy occurs and have produced the prescribed medical certificate of fitness for the Public Service.

(G. R. No. 6145, dated 24th August 1893, and G. R. No. 7519, dated 24th September 1896.)

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(1) *To be inserted as an addendum to Part II of the Chapter relating to Forests at page* 501 *of the Compilation of Standing Orders of Government in the Revenue Department.*

"14. The rules regarding securities to be taken from Forest Officers have been embodied at pages 1536-1537 of the Chapter of Standing Orders under the heading of 'Public Officers—Securities'".

PART III.—ADMINISTRATION REPORTS.

1. The Conservators of Forests should submit their Annual Forest Administration Reports through the Commissioners concerned. (G. R. No. 1115, dated 27th February 1873.)

2. The following arrangements have been sanctioned by the Government of India in regard to the submission of Forest Administration Reports:—

(1) Divisional Officers will submit their Annual Reports to Conservators on or before the 15th August;

(2) Conservators' Reports (in manuscript) must be in the hands of Local Governments by the 1st October, and copies will be forwarded simultaneously to the Inspector-General of Forests for information;

(3) The orders of Local Governments on the Reports should reach the Government of India by the 1st January.

(G. I., R. & A., No. 16-F., dated 7th June 1892; G. R. No. 5506, dated 6th July 1892.)

These arrangements do not affect the orders in force in the Bombay Presidency, which require that Conservators' Annual Reports should be forwarded to the Commissioners concerned in print by the 31st October and that the printed reports should reach Government with the Commissioners' remarks by the 15th November. The Commissioners should also forward a copy of their remarks direct to the Superintendent, Government Central Press, who should print them without delay and furnish a complete copy of the reports to Government by the 25th November.

(G. Rs. Nos. 6862, dated 29th September 1890, and 8102, dated 15th November 1890.)

3. The Annual Reports of the Forest Department should be submitted in the form prescribed in Chapter IV of the Forest Department Code. (G. Rs. Nos. 2330, dated 18th March 1884, and 3503, dated 1st May 1884.)

4. Copies of the Annual Forest Administration Report of the Bombay Presidency and of any orders that it may call forth should be forwarded for the information of the Secretary of State for India by the 31st March. (S. of S. No. 2, Rev., dated 17th January 1878; *vide* G. R. No. 854, dated 16th February 1878.)

5. Full particulars should be given in the Forest Administration Reports as to what has already been accomplished in respect of the reservation of forest areas, and the bearings which the reserves have, with regard to situation and extent, to the general requirements of the country. The reports would also be more valuable for purpose of future reference if furnished with a brief index, and a small map

indicating the principal localities referred to should be attached. (S. of S. Nos. 5, Rev., dated 23rd September 1875, and 3, Rev., dated 8th April 1878; *vide* G. Rs. Nos. 6226, dated 4th November 1875, and 2657, dated 23rd May 1878.)

6. The comparison of the actual receipts and expenditure with the budget and regular estimates, and the explanation of the differences shown by that comparison would be more properly made in submitting the budget proposals than in the Annual Forest Administration Reports. On the other hand, in these reports the figures for at least one previous year should be given as regards all important items of revenue and expenditure, and explanations given of any marked differences, as in that way alone can a proper estimate be formed of the progress which is being made. (G. R. No. 7796, dated 22nd December 1881.)

7. It is important to know what are the areas of reserved and protected forest, respectively, and what transfers have been made from the one head to the other in the course of the year. The area need not be given both in square miles and in acres, but generally in square miles, fractions of a square mile only being in acres. (G. R. No. 7796, dated 22nd December 1881.)

8. The Conservators of Forests should in their Annual Administration Reports furnish a statement showing exactly the extent of progress of forest demarcation and settlement work in the districts under their charge. The statement should show, for each district, the area finally disposed of, the area remaining to be dealt with, and the probable date by which it is expected that the work will be completed. (G. I., H. D., No. 702-F., dated 19th August 1882; *vide* G. Rs. Nos. 6029, dated 2nd September 1882, and 8506, dated 5th December 1882.)

9. In the Annual Forest Administration Reports information should be given regarding the progress which has taken place up to date in the final constitution and settlement of the State forest property. This information should be given in such detail as to show at a glance the area of forests finally settled, apart from the areas of those which have been declared reserved or protected forests under Section 34 of the Forest Act, but in which the rights of private persons have not up to date been sufficiently enquired into, settled and recorded. (G. I., H. D., No. 462-F., dated 3rd June 1886; *vide* G. R., No. 4747, dated 3rd July 1886.)

10. In the summary of Chapter I of the Annual Forest Administration Reports, information with regard to the areas declared, under the provisions of Section 34 of the Indian Forest Act, to be either reserved or protected forests, but in which the rights have not been finally settled, should be given in the following form :—

Class of Forests.	At the commencement of the year, areas under Section 34 in which private rights have not been enquired into, settled, and recorded.	AREAS SETTLED DURING THE YEAR UNDER.		Area of Reserved Forests alienated under Section 26.	Area of Protected Forests disforested under Government orders.	At the end of the year, areas under Section 34 in which private rights have not been enquired into, settled, and recorded.
		Chapter II of the Act.	Chapter IV of the Act.			
	Sq. ms.	Sq. ms.	Sq. ms.	Sq. ms.	Sq. ms.	Sq. ms.
Reserved Forests...	...	...	...	...	...	...
Protected Forests...	...	...	...	...	...	...
Total ...	...	...	...	...	...	...

(G. I., R. & A., No. 420-F., dated 23rd May 1887; *vide* G. R. No. 8738, dated 24th December 1887.)

11. With a view to enable Government to arrive at a correct conclusion as regards the results of fire protection, the Conservators of Forests should in their Annual Forest Administration Reports show in a tabular form the areas which it was attempted to protect, the area of failures, and the expenditure incurred. (G. R. No. 2575, dated 30th March 1883.)

12. Estimates should be included in the Annual Forest Administration Reports of the forest areas which as a rule escape forest fires without the adoption of special measures for their protection. The information is required by the Government of India with special reference to forest reserves. The Government of India does not desire to have those areas specially reported on where they represent merely scattered plots of small extent surrounded by deciduous forest, through which, but for protective measures, fire would pass. (G. I., H. D., No. 4-F., dated 14th April 1885, and G. I., R. & A., Nos. 816-F., dated 5th August 1889, and 577-F., dated 7th July 1890; *vide* G. Rs. Nos. 3684, dated 7th May 1885, 6731, dated 9th September 1889, and 6059, dated 26th August 1890.)

13. It would be interesting if some account of the protective measures adopted against forest fires, and of the amount of damage caused, were given in the Annual Forest Administration Reports. (G. R. No. 7232, dated 12th September 1892.)

14. In the Annual Forest Administration Reports the actual amount of boundary demarcation executed during the year and the nature of the marks erected should be shown. (G. R. No. 1021, dated 14th February 1887.)

15. The Conservators of Forests should in their Administration Reports supply information as to the sums realized from cases compounded under Section 67 of the Forest Act. (G. R. No. 8738, dated 24th December 1887.)

16. Form No. 65 (Financial Results of the year) of the Forest Department Code should be carefully compiled in accordance with the directions of the Code so as to avoid discrepancies of the nature noticed by the Government of India in paragraph 11* of their letter No. 652-F., dated 19th June 1888, reviewing the report of Forest Administration in the Bombay Presidency for 1886-87. (G. R. No. 7515, dated 12th November 1888.)

17. Hypothetical figures should be avoided in official reports. (G. R. No. 5664, dated 5th August 1889.)

18. In the Forest Administration Reports an analysis should be given of the cost of forest settlement operations, noting the cost per square mile up to date and for the year under review. (G. I., R. & A., Nos. 816-F., dated 5th August 1889, and 577-F., dated 7th July 1890; *vide* G. Rs. Nos. 6731, dated 9th September 1889, and 6059, dated 26th August 1890.)

19. The forest areas finally reserved should be debited with the total cost of settlement operations up to date, less the cost of settlements in progress and the general average per square mile which results should be distributed amongst the reserves already gazetted.

As far as possible, the capital spent on the settlement of the reserves should be shown under the following main heads:—

A.—Pay and allowances of officers.

B.—Compensation.

C.—Miscellaneous expenditure.

It is obviously of importance that the amount expended on the constitution of each forest reserve, including the cost of its settlement, demarcation and survey, and of the permanent roads and buildings constructed in it, should be treated as capital invested in the forest; leaving the amount spent on temporary works for the extraction of produce, on the making of inspection paths, on the erection of temporary buildings, on cultural operations, on protection from fire and on working plans, together with all other annually or periodically recurring expenditure, to be balanced against the revenue.

It is not intended, however, that elaborate accounts should be kept of the expenditure in connection with the settlement of forest reserves. The Gov-

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"* 11. I am to point out that the general statement of Financial Results contained in Form 62† is differently compiled in the three circles and is consequently of comparatively little value. In one circle the column 'for timber and other produce removed from the forests by Government Agency' includes that removed by purchasers and consumers, and the column headed 'other revenue charges' includes the cost of settlements, and, again, no establishment charges are debited in one circle to timber works, and in the others in untraceble proportions. Changes in the sequence of divisions have also been noticed in other forms, and this too, it is suggested, should be avoided." (G. I., R. & A., No. 652-F., dated 19th June 1888; *vide* G. R. No. 5016, dated 27th July 1888.)

† Now Form 65.

ernment of India only desire that some account should be maintained of the capital or extraordinary expenditure incurred on the settlement, *i.e.*, (acquisition and constitution) of the more important reserves and not for every village or survey number containing reserved forest. (G. I., R. & A., Nos. 726-F., dated 23rd June 1891, and 1388-F., dated 28th October 1892; *vide* G. Rs. Nos. 5589, dated 14th August 1891, and 9196, dated 22nd November 1892.)

20. No remarks or comparisons are possible as regards the yield of the forests so long as the various descriptions of forest produce are not reduced to the denomination of cubic feet in the cases of timber and fuel, and money in the case of minor forest produce. This should be attended to in future Forest Administration Reports. The record of the manner of exploitation should also receive more attention, as the treatment of the forests in this respect is of great importance to their maintenance and reproduction, and also influences the revenue. (G. I., R. & A., Nos. 816-F., dated 5th August 1889, and 577-F., dated 7th July 1890; *vide* G. Rs. Nos. 6731, dated 9th September 1889, and 6059, dated 26th August 1890.)

21. The attention of the Conservators of Forests is drawn to the irregularities in the preparation of the returns of forest area embodied in the Forest Administration Reports brought to notice in the following extract from the memorandum No. 1736, dated 27th August 1889, from the Director of Land Records and Agriculture, No. 1736, dated 27th August 1889, and they should see that correct areas are given in future reports:—

"It will be seen that the difference in the forest area, as shown in Form A of the Returns of Agricultural Statistics of the Bombay Presidency and that given in the Annual Forest Administration Reports, is due to one or more of the following reasons in respect to each district:—

I.—The same area as was originally gazetted under the Forest Act of 1878 as reserved forest is annually shown in the forest report though the figure has changed since that time.

II.—The village papers are not corrected according to the demarcation and final settlement of the forest areas.

III.—Clerical errors made in preparing the revenue and forest returns 1889."

(G. R. No. 7260, dated 27th September 1889.)

22. It has been noticed that the information regarding natural reproduction recorded in the Annual Forest Administration Reports is not unfrequently insufficient or vague. The Government of India desire, therefore, that in future annual reports the general conditions of the forests as regards reproduction may be more clearly and precisely explained. As a rule, reproduction proceeds satisfactorily in forests which are carefully protected from fire and grazing, so that it would only appear necessary to draw attention to the exceptions to the rule and to endeavour to explain the causes of failure with a view to their removal, where possible. These

causes may be that seeding does not take place at all, or that the seeds are not fertile or are destroyed by insects and other animals, or killed by frost, drought, and other injurious weather influences, or that the ground is too hard for successful germination, or that the seedlings although produced in numbers, are choked up by rank inferior growth, burnt, grazed down or otherwise destroyed. Similarly, in the event of seedlings coming up in abundance where none were observed before, an attempt might be made to explain what are the favourably determining conditions, and what steps, if any, have been taken to develop these conditions. (G. I., R. & A., No. 31-F., dated 30th September 1889; *vide* G. R. No. 8144, dated 26th October 1889.)

23. When the open portions of a forest block are at an inconvenient distance from any village, and the closed areas are conveniently near, there will always of course be a temptation to drive cattle into the latter. Wilful trespass of this kind must be prevented by all possible means. If the present pound fines are found not sufficiently high to be deterrent, the question of raising them under the provisions of Section 70 of the Forest Act will be considered. But in any case the temptation should be removed, as far as possible, by taking measures, as early as possible, in each season to clear away all grass from the closed coupes either by permitting the cultivators to remove it, under proper supervision, for rab and fodder, or through the agency of contractors. This measure is also very necessary in connection with fire protection. Full information as regards cattle impounded for grazing without passes in open forest should be given in the Forest Administration Report. (G. R. No. 1899, dated 13th March 1891.)

24. Separate returns should be submitted by the Conservators of Forests with their Annual Administration Reports regarding the number of animals impounded in open and closed forests. (G. R. No. 5589, dated 14th August 1891.)

25. Full details regarding grazing operations should be given in the Annual Administration Report of the Forest Department. (G. R. No. 7232, dated 12th September 1892.)

26. It is improper to insert criticisms of orders passed by Government in the Annual Forest Administration Reports which should be confined to detailing and explaining the operations of the year and in so far only as they affect those operations should Government orders be referred to. Government expect Conservators to carry out loyally and without cavil the orders issued to them, and the discussion in Administration Reports of the policy of Government orders must be discontinued. (G. R. No. 7232, dated 12th September 1892.)

27. The Conservators should in their Annual Administration Reports distinguish between misappropriations of (*a*) timber, (*b*) firewood and (*c*)

minor forest produce. (G. R. No. 7232, dated 12th September 1892.)

28. The Annual Forest Administration Report should distinguish between offences relating to the misappropriation of timber and wood, and those relating to the misappropriation of minor forest produce. The amounts of revenue collected on *each kind of minor forest produce* in each district should also be stated. (G. L. No. 6881, dated 29th August 1892, and G. R. No. 9846, dated 15th December 1892.)

29. The progress made in demarcation work should be noted in the Annual Forest Administration Reports. (G. R. No. 10056, dated 22nd December 1892.)

30. Thirty pages of print should be ample for the Annual Forest Administration Report and this limit should not be exceeded. (G. R. No. 10056, dated 22nd December 1892.)

31. An increased yield from forests under careful management should naturally be accompanied by a proportionate increase in net revenue, and when this is not the case, full explanation should be given in the Annual Administration Reports.

The receipts of the Forest Department in Sind represent not only the revenue derived from reserved and protected forests, but also the revenue derived from the sale of wood grown in various tracts of ordinary waste land. It is important that the receipts under all heads from forest reserves should be clearly distinguished in the Administration Reports from receipts from other supplementary sources, as it is otherwise impossible to estimate the real resources of the reserves themselves. (G. R. No. 4944, dated 8th July 1893.)

32. The directions contained in the Government of India's Circular No. 654-89* General, dated 14th March 1892, regarding the employment of the correct scientific nomenclature of all plants mentioned in botanic economic reports, should be observed in the preparation of the Forest Administration Reports. As regards the more generally known trees, plants, and products, it will, if the vernacular and not the scientific name is in common use, suffice to give the scientific equivalent once or twice when the product is first alluded to in the report. (G. R. No. 6318, dated 31st August 1893.)

**Vide* G. R. No. 3264, dated 7th April 1892.

33. The Conservators and Deputy Conservators in charge of circles should be careful in the preparation of their reports to avoid discrepancies between the figures given in the body of the reports and those given in the forms appended to them. (G. R. No. 7286, dated 6th October 1893.)

34. The summary of the reports of Forest Department embodied in the General Administration Report should comprise the same period as the

Annual Forest Administration Report. (G. R. No. 7592, dated 17th October 1893).

35. It will be sufficient, for the requirements of the Government of India, if 20 copies of each Annual Forest Administration Report are supplied to the Revenue and Agricultural Department. Three of these copies should accompany the letter from the Local Government or Administration submitting the Report with its resolution thereon, and the remaining 17 copies should follow by book-post. The Government of India also desire that the task hitherto undertaken by their Revenue and Agricultural Department of binding and distributing about 44 copies of each Annual Forest Administration Report, should henceforth be carried out by Local Governments and Administrations, which will thus have in their hands the complete distribution of the Reports. The Government of India would now suggest the distribution of 144 copies, as specified in the list appended. Local Governments and Administrations might also send copies to newspapers and make such additional distribution, of a local or general character, as may seem suitable.

As regards copies for the India Office, two *unbound* copies of each Report should, in accordance with the instructions conveyed in the Despatch from Her Majesty's Secretary of State, No. 101 (Statistics), dated the 20th November last, be forwarded "by the very first post after the Report is printed," addressed to the Secretary at the India Office in the Revenue and Statistics Department; and five *bound* copies should as hitherto be supplied to the India Office, addressed to Her Majesty's Under Secretary of State. The seven copies for the authorities named on the margin* should be packed separately for each addressee and forwarded, in one enclosing wrapper, to the address of the Under Secretary of State at the India Office, when they will be transmitted to the addressees.

*Her Majesty's Commissioner of Woods and Forests, London ...	1
Director of the Royal Gardens, Kew.	1
Librarian of the British Museum, London	1
Librarian of Cooper's Hill College, Staines	1
Secretary, Imperial Institute, London.	2
Sir D. Brandis, K.C.I.E., Bonn, Germany	1
Total ...	7

The Annual Administration Reports of the Andamans, Ajmere, and the Forest Survey Branch will continue to be printed and distributed by the Government of India.

Distribution List of Annual Forest Administration Reports.

Address.	Number of copies.	Remarks.
I.—In India.		
Government of India, Revenue and Agricultural Department.	20	
Government of Madras	7	Includes 2 copies for two Conservators.
„ of Bombay	8	Includes 3 copies for three Conservators.

Address.	Number of copies.	Remarks.
I.—In India—continued.		
Government of Bengal	6	Includes 1 copy for Conservator.
,, of the North-Western Provinces and Oudh.	8	Includes 3 copies for three Conservators.
Government of the Punjab	6	Includes 1 copy for Conservator.
Chief Commissioner of the Central Provinces.	7	Includes 2 copies for two Conservators.
Chief Commissioner of Burma ...	8	Includes 3 copies for three Conservators.
,, of Assam ...	6	Includes 1 copy for Conservator.
Resident at Hyderabad*	6	Do.
Chief Commissioner of Coorg ...	3	Includes 1 copy for Deputy Conservator.
,, of Ajmere ...	3	Includes 1 copy for Sub-Assistant Conservator.
Superintendent of Port Blair ...	3	Includes 1 copy for Deputy Conservator.
Agent to the Governor General in Baluchistan.	3	Do.
Agent to the Governor General in Central India.	1	
Director of the Forest School, Dehra Dún.	2	
Superintendent of Forest Surveys, Dehra Dún.	2	
Conservator of Forests, Nizám's Dominions, Secunderabad, Deccan.	1	
Inspector-General of Forests and Plantations, Mysore.	2	
Superintendent of Forest Department, Jeypore.	2	
Comptroller and Auditor General (Forests), Calcutta.	1	
Private Secretary to His Excellency the Viceroy (for Government House Library).	1	
Home Department, Calcutta ...	2	
Surveyor General, Calcutta	1	
Superintendent of the Botanical Gardens, Calcutta.	1	
Director of the Botanical Department, Northern India, Sharanpur.	1	
Superintendent of the Indian Museum (Economic Section), Calcutta.	1	
Meteorological Reporter to the Government of India, Simla.	1	
Reporter on Economic Products with the Government of India, Simla.	2	
"Indian Forester," Dehra Dún ...	1	
Total ...	116	
II.—Out of India.		
India Office, London...	5	Two *unbound* copies to be forwarded, by the very first post after the Report is printed, to the Secretary, Revenue and Statistics Department; and five *bound* copies to be sent, later on, to the Under-Secretary of State.
Her Majesty's Commissioner of Woods and Forests, London.	1	To be sent *through India Office*, addressed to Under Secretary of State.
Director of the Royal Gardens, Kew.	1	
Librarian of the British Museum, London.	1	
Librarian of Cooper's Hill College, Staines.	1	
Secretary, Imperial Institute, London.	2	
Sir D. Brandis, K.C.I.E., Bonn, Germany.	1	

* 2 Copies of the *Berar* Report only to be supplied to *Foreign Department*.

Address.	Number of copies.	Remarks
II.—Out of India—continued.		
Government of Victoria, Melbourne	2	
,, of Queensland, Brisbane.	1	
,, of New South Wales, Sydney.	1	
of South Australia, Adelaide.	1	
of West Australia, Perth.	1	
of Mauritius	1	
,, of Cape Colony	1	
,, of Canada	1	
,, of Cyprus	1	
,, of Ceylon	1	
,, of New Zealand ...	1	
,, of Japan	1	
Superintendent of the Botanical and Afforestation Department, Hong-Kong.	1	
Conservator of Forests, Bandong, Java.	1	
Commissioner of Agriculture, United States, America.	1	
Total ...	28	
Grand Total ...	144	

(G. I., R. & A., No. 8-F., dated 4th March 1891 ; *vide* G. R. No. 2359, dated 4th April 1891.)

PART IV.—THE FOREST DEPARTMENT CODE.

1. The fourth edition of the Forest Department Code should be introduced in this Presidency with effect from 1st January 1893, subject to the reservations prescribed in Government Resolution No. 7109, dated 6th September 1892. (G. R. No. 252, dated 10th January 1893.)

2. The chief object, in view of which the provisions of the Forest Department Code have been made applicable to the Forest Department of this Presidency, is the regulation of matters of account on the system adopted in other provinces in India; and although the Forest Code also contains provisions which regulate authoritatively the relations between the Government of India and the Local Governments and Administrations specified in Section 2 of Chapter I, as well as the several duties and responsibilities of the Inspector-General of Forests, and of the officers of the Forest Department serving under the Local Governments and Administrations mentioned, it has no similar application or effect as regards the status of forest management and of the forest establishments employed in the Bombay Presidency. In those respects, so much only of the provisions of the code applies as does not conflict with the provisions of the Bombay Land Revenue Code or with orders that have been or may hereafter be issued by the Government of Bombay. (G. R. No. 7109, dated 6th September 1892.)

3. The headings of the columns in Forms 6 and 7, headed Cubic Feet, in the Forest Department Code (4th edition) should be left blank and filled in by hand according to circumstances. (G. R. No. 6108, dated 30th July 1884.)

4. Conservators should take such steps as will prevent delays occurring in the punctual submission to the Accountant General of the forest accounts by the Divisional Forest Officers. (G. R. No. 3120 dated 19th May 1887.)

5. The powers which are exercised by the Supreme Government in respect of the dismissal of officers of the Indian Forest Service in the provinces under their immediate control, can also be exercised by the Government of Bombay as regards similar officers serving in the Bombay Presidency. The provisions of Section 55 of the Indian Forest Code are not applicable to this Presidency. (G. I., R. & A., No. 942-F., dated 6th September 1893; *vide* G. R. No. 7713, dated 20th October 1893.)

PART V.—BUDGET ESTIMATES.

1. When an officer has to make a suggestion involving any amount of expenditure that has to be provided for in the forest budget, the application for sanction to such a proposal should be made in due time, to enable the Accountant General to include the requisite provision in the Budget estimate, before its submission for the approval of Government, previous to its transmission for the confirmation of the Government of India.

The Commissioners, Collectors and officers of the Forest Department should carefully attend to this rule.

(G. R. No. 491, dated 4th February 1869.)

2. The Governor General in Council attaches much importance to the punctual submission of forest budget estimates in accordance with the existing orders on the subject, and the necessity of extreme punctuality should be impressed on the Conservators in the strongest manner possible. (G. I., A., R. & C., No. 15—1028, dated 28th August 1872; *vide* G. R. No. 4456, dated 9th September 1872.)

3. In order to obviate the delay in the receipt by the Conservators of Forests of the orders of the Government of India on the actual budget estimates of the Forest Department, those orders will, on receipt of the budgets, be issued *provisionally*, and will on a later date be followed by the final orders of the Government of India. The grants provisionally sanctioned will be subject to alteration in case financial exigencies should render it necessary to modify them. (G. I., R., A. & C., No. 33—1141, dated 21st October 1876; *vide* G. R. No. 6440, dated 10th November 1876.)

4. The Conservators of Forests should send duplicate copies of their explanatory notes on the budget estimates. (G. R. No. 6221, dated 17th October 1877.)

5. All figures, except those representing "actuals" should invariably be entered in round numbers in the budget estimates of the Forest Department. (G. I., R., A. & C., Nos. 30-F., dated 3rd June 1878, and 4-F., dated 1st February 1879; *vide* G. Rs. Nos. 3182, dated 24th June 1878, and 767, dated 12th February 1879.)

On or about the 1st March, on a date which will be duly notified each year, a revised estimate of the forest receipts and charges and the surplus or expected deficit should be telegraphed to the Comptroller General at Calcutta; and if the figures thus telegraphed differ at all materially from those given in the regular estimate, a brief explanation of those differences should on the same day be sent by post to the same address.

The Conservators should furnish to Government copies of any communications they may make direct

to the Comptroller General under these instructions. (G. I., H. R. & A., No. 35-F,. dated 17th September 1879, and G. R. No. 5334, dated 4th October 1879.)

6. In his report regarding the budget estimates the Conservator should state briefly the causes of increase or decrease in receipts and expenditure. He should always explain any marked variation in the proportion between revenue and expenditure under each head in his estimates as compared with their proportions in the revised and actual estimates. (G. R. No. 9020, dated 14th December 1886.)

PART VI.—FOREST REVENUE AND EXPENDITURE.

1. Where forest reserves have been surveyed and demarcated, the proceeds of any land revenue derived from fields cultivated within the limits are to be credited to "Forests." Where it has not been found possible to include large cultivated areas, producing teak, in reserves, the value of the teak alone is to be credited to Forests, and not the revenue derived from cultivation. There can be no doubt that cultivation within reserves should be quite the exception. On the other hand there can be no real foundation for the suspicion that the Forest Department are anxious to swell their receipts by this means, in as much as receipts from cultivation and grazing are kept quite distinct and separate in the accounts. With a view, however, to meet the objection to possible competition between the Revenue and Forest Departments it should be laid down that land let out by the latter for cultivation (beyond the rent-free portion) should pay full survey rates. Then it is unquestionably advisable that there should be no conflict of jurisdiction within an area which it has been determined to set apart for forest; that lands now held on the survey tenure should, in the event of their being thrown up, not be again given out for cultivation on the same terms; and that as far as possible all persons who are permitted to cultivate, (and they should be restricted to those whose presence is necessary for the preservation and working of the forests), should be permitted to do so solely as tenants-at-will. As to the argument on the score of special knowledge of revenue administration,—looking to the wild nature of the country in which these reserves are usually to be found and to the infrequency of the visits of the higher Revenue officials, it seems tolerably certain that the rude system of revenue management that obtains will be as well, if not better, superintended by the District Forest Officer and his people, as by the Collector and his ordinary establishment. (G. Rs. Nos. 342, dated January 1874, and 2825, dated 4th June 1874.)

2. The sale-proceeds of grass from protected forests should be credited to Forests and not to Land Revenue. (G. R. No. 1157, dated 3rd March 1880.)

3. The principle adopted for occupied land in No. 93 of the rules under Section 214 of the Land Revenue Code should be applied in the case of the sale of trees on assessed waste land. Accordingly, only the proceeds of the sale of teak, blackwood and sandalwood trees on assessed waste land not included in forest should be credited to the Forest Department; the proceeds of the sale of all other trees on such land should be credited to Land Revenue. The same principle should be applied also to unassessed waste not included in forests. In occupied numbers, the sale-proceeds of trees, which

are placed at the disposal of the Forest Department by Rule 93, or are reserved by such a special rule as No. 98-A., should be credited to the Forest Department, and the sale-proceeds of all other trees to the Revenue Department. (G. Rs. Nos. 3095, dated 16th April 1884, 3838, dated 13th May 1884, and 4503, dated 4th June 1884.)

4. The honi and matti trees which are reserved in Kánara under Rule 91 of the rules under Section 214 of the Land Revenue Code, should be considered as at the disposal of the Forest Department like teak, blackwood and sandalwood. (G. R. No. 1053, dated 4th February 1885.)

5. The Commissioner in Sind and the Divisional Commissioners are authorized to sanction refund of forest revenue exceeding Rs. 200. (G. R. No. 1351, dated 18th February 1893.)

6. Conservators of Forests are invested with powers to sanction refunds of forest revenue up to Rs. 200 in each case. (G. R. No. 773, dated 30th January 1886.)

7. Whenever it is necessary to write off as irrecoverable any outstanding revenue in the event of agriculturists or other private purchasers failing to remove forest material cut for them by the Forest Department on receipt of part payment, the sanction of Government should be obtained in accordance with Section 106 of the Forest Department Code, 4th Edition. (G. R. No. 2185, dated 19th March 1886.)

8. All officers charged with the administration of the Government forests should be impressed with the necessity for close scrutiny of expenditure, and the most careful consideration of all means and methods for securing the best possible results. The working of a Department which depends for financial success upon an intelligent appreciation of commercial facts, requires something more than that zealous and careful discharge of ordinary official duties for which the controlling officers of the Forest Department are conspicuous. The Conservators should endeavour themselves and through their superior subordinate staff to obtain such information regarding supply and demand, both present and prospective, as will enable them to avoid over-production, to take advantage of new markets, and to anticipate increasing demands.

This is everywhere needed, but especially in the Northern* Circle, which is burdened with districts which, so far from yielding any net forest revenue, are, in so far as the forest administration is concerned, worked at a loss.

(G. L. No. 2233, dated 12th April 1888.)

9. Conservators are not to incur, without the express sanction of Government, any expenditure in

*Note.—The reference is to the old Northern Circle, which comprised all the divisions of the present Northern and Central Circles.

excess of the authorized grants. (G. R. No. 9009, dated 8th December 1883.)

10. The exercise of the discretion allowed to Divisional Forest Officers under paragraph 156 of the Forest Department Code, 4th edition, in the matter of incurring capital expenditure on special works, is not likely to prove harmful, but should any individual officer show a lack of judgment in using it, it can be withheld from him. (G. R. No. 2330, dated 18th March 1884.)

The general rule is that all expenditure incurred by the Public Works Department shall appear in the public accounts under the head of Public Works, and not under the head of the Department which benefits by the works. If the Forest Department is anywhere made an exception to this general rule in respect of its public works charges, such exception shall cease, as it is opposed to the whole principle of the construction of the public accounts. All buildings and works to be executed by the Forest staff without the assistance of the Public Works Department will, however, continue to be provided for in the estimates of the Forest Department. (G. I., F. & C., No. 1040, dated 17th May 1884; *vide* G. R. No. 4585, dated 6th June 1884.)

11. In the case of any road construction contemplated by the Local Boards which is likely to be of service to the Government forests, some assistance from Government may be looked for. (G. Rs. Nos. 8738, dated 24th December 1887, and 2232, dated 12th April 1888.)

12. The entire cost of the feed and keep of transport elephants lent by the Military Department for the use of the Forest Department should be charged to the Forest Department. (G. R. No. 1473, dated 19th February 1885.)

13. Expenditure incurred by Forest Departments on the collection and preparation of specimens of forest and other produce, insects and other objects of natural history intended for forest schools, museums, exhibitions, &c., should, unless otherwise ordered, be met from the sanctioned forest budget allottments under sub-head A. IX-C. ('Miscellaneous Other Charges'), or, if necessary, by transfers to this from other sub-heads, within the total forest budget grant of the year concerned. (G. I., R. & A., No. 23-F., dated 24th September 1891; *vide* G. R. No. 7223, dated 20th October 1891.)

14. The Conservator of Forests, S. C., is authorized to incur the charge on account of the fixed contingent allowance of 4 annas to each of the round guards of the Kolába Division. (G. R. No. 8607, dated 2nd November 1892.)

PART VII.—FOREST CONSERVANCY AND PRINCIPLES AND POLICY OF THE DEPARTMENT.

1. The following extracts from the Secretary of State's despatch No. 14, dated 24th April 1863, to the Government of Fort St. George contain general remarks on the question of forest conservancy :—

"16. The importance of forests, not only as yielding timber and firewood, but as affecting the rainfall, the climate, and the soil, and as protecting in mountainous regions the country of the plains, has been overlooked, not in India alone, but in other countries of the world. But of late years sounder views on this point have been adopted. Humboldt very broadly stated (and the statement is now very generally accepted) that the more cultivation increases and the forests diminish, the drier both soil and climate become. Nor is there any reason, as I remarked in paragraph 6 of my despatch of the 9th March, No. 7, if the forests are properly managed, and a judicious outlay is bestowed on them, why a proportionate profit should not be obtained from them. Whatever may have been the case formerly, there can be no doubt of this in India now, since the introduction of railways, the stimulus given to the construction of other public works, and the building of private houses and manufactories, from the increased and the increasing influx of Europeans into India, has created so large a demand for timber.

"17. To forests, from their nature, the usual maxim of political economy which leaves such undertakings to private enterprise cannot be applied. Their vast extent, the long time that a tree takes to reach maturity, and the consequence that few persons live long enough to obtain any, and more specially the highest, returns for expenditure, even once in the course of their lives, are proofs of the necessity that forest management should be conducted on permanent principles, and not be left to the negligence, avarice or caprice of individuals, and, therefore, point to the State as the proper administrator, bound to take care that, in supplying the wants of the present generations, there is no reckless waste, no needless forestalling of the supply of future generations. This is matter of experience, not in India only, but in all other countries of the world. For several years past some of the forests of your Presidency have been under the superintendence of an able Conservator and a small Forest Department, and the attention of your Government has been creditably directed to their preservation from utter ruin. But, as Major Morgan has observed in the Report before me, 'conservancy is yet in its infancy.' What has been done, however, has shown that by extending the system, and placing it on a sound and permanent footing, much more might be done. To attain this the Forest Department should be made thoroughly effective, and all forests, without exception, should be at once brought under its authority. The Conservator should have competent Superintendents under him, with a moderate, but still a sufficient, staff, suited to the requirements of each forest. He should lay down general rules, which should only be departed from with his permission, and when a difference in the circumstances of a district might render a change expedient. Some system of this kind does, I am aware, exist to a certain extent, but it requires to be made more complete, and to have a permanent character.

"18. The rules should, for the most part, be determined on in concert with the Revenue Authorities. Intimately connected as the forests are with cultivation, it is highly important that the Department should work in strict connection and communication with the Collectors of the several districts and their subordinate officers. I mention this, as I regret to perceive, from Mr. Spring's Report, that this has not been the case on the borders of Cuddapah and North Arcot, the jungles of which have, notwithstanding your orders, suffered very much in consequence.

†"19. One rule, which is of paramount importance, should at once be adopted wherever circumstances permit it. The cuttings should be conducted by the officers of the Department. To the want of such a rule, and the admission of contractors to do this work, or to cut trees on the payment of seignorage fees, may be traced in great measure the wholesale destruction which has occurred in all the forests of India. Instances of the truth of this view will be found in the account given by Major Morgan of almost every forest. He calls it in one place, and with great justice, 'a simple way of saving the Assistant trouble, and conveying the largest share of the profit into the pocket of the contractor.' It does not, therefore, seem to me that the case of the contract suggested by Captains Beddome and Brine was quoted by the Acting Conservator inappositely as an example of the superiority of conservancy over the system of felling by contractors. It is, I think, therefore to be regretted that, by the order on your proceedings of December 20th last, you have sanctioned rules for working the forests of the Kurnool, Cuddapah, and Salem Districts on the seignorage fee principle. When an establishment of sufficient strength is given to these forests, this arrangement should be altered."

Nos. 283 and 284, page 3527.

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"21. Another point, which has hitherto been neglected, is, that sufficient protection should, as far as possible, be provided to persons working in the forests and jungles. Major Morgan mentions the want of proper shelter for the men employed in the Anamallais as one of the causes of the loss on that forest, and due provision for those who are working in these fever-haunted localities, besides being a duty on the part of Government, would also, by husbanding the health and strength of their servants, prove in the end a measure of economy.

"22. I have lately, in paragraph 6 of my despatch of the 9th March, urged upon you the necessity of impressing upon all officers concerned the caution of the Governor General as to the reservation of valuable forests, and this caution seems more necessary after a perusal of some of the opinions expressed in the report now before me.

* * * * * * * * *

"24. I quite agree with your Excellency in Council that it is not desirable that there should be any reservation of trees on land made over to purchasers, although in those cases a valuation may be put upon the trees before the sale."

(G. R. No. 4916, dated 10th December 1864.)

2. It cannot be too often impressed on all officers connected with the management of forests that present revenue is not so much an object as the future supply of timber and firewood. (G. R. No. 2490, dated 10th July 1866.)

3. With regard to the question of permitting in forest reserves the grazing of cattle, the cutting of trees for rab (ash manure), and the taking of firewood by villagers, on the one side it has to be considered that young trees are apt to be eaten and trodden down by cattle, and that the admittance of people within forest limits tends to the indiscriminate cutting of all kinds of trees and the occurrence of destructive fires, whilst on the other hand it has

† The sorts of contracts which it is meant here to condemn are those by which persons obtain the privilege of cutting timber and bringing it out of the forests and selling it on their own account. (G. R. No. 1773, dated 27th April 1865.)

to be remembered that the grazing of cattle keeps down the grass by which fires when they do occur are fed, and that some kinds of forest growth are fostered by seeds having passed through the stomachs of goats: that ráb and firewood are absolutely necessary for the people, and that forbidding them to go into the reserves to procure them would be an interference with their immemorial privileges.

The advantage to be derived from sowing of seed in the droppings of sheep and goats cannot exist in forests where the bábul does not grow, and this, therefore, is not argument for allowing other cattle to graze in all reserves, or sheep and goats in the former forests. Again, there is no doubt that in order to secure good timber the side shade, which can only be secured by encouraging the growth of dense jungle, is essential. The risk of fire from allowing such dense growth of grass and underwood can be partially avoided by the cutting of fire-paths.

There should, therefore, be two descriptions of reserves, one in which the cutting of ráb and firewood and the grazing of cattle may be permitted, and the other into which the foot of man and beast should, as far as possible, be prevented from entering except with the permission of the Forest Department. Both descriptions should be gradually fenced in with living fences, the cuttings from which will eventually be a source of profit, or may be made available for supplies of ráb and firewood to the villages under such rules as it may be found advisable to issue hereafter.

What reserves shall be included in the former or latter category must be decided by the Revenue and Forest authorities in consultation with each other, cases in which they are unable to agree being referred for the decision of the Commissioner, who should be guided by such consideration of the customs of the people of the locality as may not be inconsistent with the due preservation of Imperial property which is common to all. Where ash manure is ordinarily procurable from trees in people's own lands, or from grass or cowdung, access to the reserves for ráb should not be permitted, but where such is not the case, it will be the duty of the officers selecting the reserves to provide for it by setting aside definite portions of reserves or in any other way that may appear feasible. Similarly with firewood, the best arrangements practicable should be made for the maximum of forest conservancy with the minimum of interference and annoyance to the people. For instance, it may sometimes be better not to allow people to cut it for themselves, but to have it collected and stacked on the edges of reserves, the village revenue officers levying from the villagers taking it small fees under the orders of the Collector sufficient to cover the cost of collection and stacking. By such arrangements it is believed the formation of village reserves, which finds no favour with the most experienced officers, may be rendered unnecessary.

Government are of opinion that large forest reserves should be formed where this can be done in favourable localities without putting in force the Land Acquisition Act, by payment of reasonable sums to people removing elsewhere for their expenses in building new houses or taking up fresh land with their own consent. How much it will be worth while to pay to attain this end, is a point that must be determined by a consideration of the risk and inconvenience involved in allowing them to remain, and the ultimate estimated value of the forest property to be consolidated by their removal

(G. R. No. 4320, dated 30th August 1872.)

4. It is important to deal with all State forests, as a portion of the public landed estate, all the productive powers of which should receive due attention, though the special object for which it is set apart is the growth of timber. (S. of S. No. 5, Rev., dated 23rd September 1875; *vide* G. R. No. 6226, dated 4th November 1875.)

5. The true objects for which the Forest Department ought to be organized and maintained are:—

1st.—To guard and preserve from wasteful destruction the timber growing on defined tracts of land, which may properly be withdrawn from private occupation; and by good management to ensure the supply from those tracts, in time to come, of the timber needed to meet the wants of the country.

2nd.—To combine with the above the realization by reasonable means of such a revenue as the Government is fairly entitled to expect from its possession of such valuable property.

But Government cannot forget that in striving to attain these ends they are bound to pay due regard to the habits and wants of perhaps the poorest class of the population; and they strongly deprecate vexatious and oppressive interference with their daily life, for the purpose of enforcing in petty details the so-called rights of the Forest Department.

(G. R. No. 6144, dated 1st November 1875.)

6. It must always be remembered that in the majority of cases the pressure of the rules made for the preservation of the forests and the protection of the revenue will fall with the greatest weight on some of the poorest and least civilized of the population of the Presidency, who have long been, as they now are, very dependent on the supplies they draw from the forest. It is the duty of the Government to take care that in carrying out reforms, which ought ultimately to benefit even these people themselves, the hardships of their lives are not unduly aggravated, and to retain in their own hands a degree of control sufficient for their protection. They must not be sacrificed to an undue desire to increase the powers of the Forest Officers, or to en-

hance prematurely the revenue of the Department. (G. R. No. 130, dated 6th January 1876.)

7. Forest interests should be subordinated to the welfare of the agricultural population when there is any conflict between them. (G. R. No. 7796, dated 22nd December 1881.)

8. It is both the duty and the best policy of the Forest Department to take the people with them in their measures, and so both to frame and to work their rules as to be as little burdensome as is consistent with effective conservancy to those whose privileges cannot but be thereby to some extent curtailed. (S. of S. No. 15, Rev., dated 4th March 1880; *vide* G. R. No. 1848, dated 9th April 1880.)

9. The question of forest protection—always a troublesome one—presents special difficulties in the Bombay Presidency, owing to the nature of the forests and the manner in which they are interspersed with cultivation. On the one hand it is imperative that the forest property of the State should be efficiently protected, or the danger may arise that the areas reserved become forests in name only, and of no practical use to the country; while, on the other hand, the population should not be treated with harshness. The position is rendered more difficult by the fact that some of the most pernicious forest offences are trivial if taken individually, but assume dangerous proportions if considered in the aggregate. (G. I., R. & A., No. 927-F., dated 28th August 1893; *vide* G. R. No. 7286, dated 6th October 1893.)

10. The greatest consideration should be shown in every case where the removal of squatters from reserved forests seems necessary. (G. I. No. 12, dated 27th May 1867; *vide* G. R. No. 2336, dated 22nd June 1867.)

11. The course pursued by Government in the difficult and responsible matter of the arrangements for forest conservancy in the Thána District has been firmly to enforce reasonable rules and restrictions, but at the same time to insist that, whilst the people are not to be allowed to help themselves at their own free will to all the forest produce they may choose to take, all the forest produce they need shall be placed within their reach. Government have also desired that when prices have to be paid for forest produce for the first time, or are raised above old rates, this should be done with consideration, and the prices should be low. The duty of all local officers is to see that this policy is fully carried out. (G. R. No. 3625, dated 6th May 1884.)

12. His Excellency the Governor in Council desires to impress on the Conservators the urgent importance of arranging for the prompt supply of the requirements of the people. Persons in need of wood cannot usually afford to wait long for it, and if they are unable to obtain it within a reasonable time in a legitimate manner, the temptation to take

it without permission will often be irresistible. (G. R. No. 968, dated 31st January 1885.)

13. On the death of a kabuláyatdár, who has under agreement preserved the forest in khálsa villages, the agreement should, as a rule, be continued with the heirs, so that the Kabuláyatdárs may have more than a temporary interest in the proper conservation of the trees. It should be the Conservator's duty to make a fresh kabuláyat with an heir, unless the deceased Kabuláyatdár should have done anything to forfeit the claim of his heir. (G. R. No. 3920, dated 22nd October 1868.)

14. The kabuláyats, whether original or renewed, are agreements for personal service only, and Government, notwithstanding Government Resolution No. 3920, dated 22nd October 1868, are entitled on the death of each kabuláyatdár to decline to accept a fresh kabuláyat from an heir. (L. R. No. 1254, dated 18th September 1883; *vide* G. R. No. 8460, dated 17th November 1883.)

15. It may be politic in some cases, in order to enlist the sympathy of landholders, to renew forest conservancy agreements with the heirs of the original kabuláyatdárs. As a general rule, however, it seems preferable that the protection of Government forests should be entrusted to, and carried out by, Government employés. A large and costly establishment is maintained by the Forest Department and on it rather than on amateur conservators should devolve the task of guarding forests which belong to the State. (G. R. No. 1122, dated 11th February 1886.)

16. Every care should be taken to see that the alluvial accretions to forests are not allowed to be appropriated by cultivators, but they should be sown as soon as possible to replace the areas destroyed by the River Indus. Disputes as to the rights of the Forest Department over such accretions should always be settled as promptly as possible. (G. R. No. 1318, dated 29th July 1873.)

17. It is not and never was the intention of Government to restrict exclusively to mountain ands forest conservancy. In many cases it may be lesirable and necessary to promote forest conservation in plain lands. (G. R. No. 536, dated 26th January 1881.)

18. Perfect symmetry of forest outline and nathematical accuracy of boundary are theoretically lesirable and may be aimed at as far as is practicable, but to secure these objects it is not desirable to sacrifice any material area of forest, to exclude from reserve plots of land of considerable size which have been included in them for years and are covered with trees and vegetation, and to take from cultivation any comparatively large quantity of land on which rice or garden crops are now grown. Save when the boundary line is very irregular, and valid reasons exist rendering its rectification expedient,

the conversion of pieces of land now cultivated into reserved forest, and *vice versâ*, should not be carried out merely in order to obtain a perfectly symmetrical boundary; what are required are well-defined limits, a tolerably regular boundary, and the concentration, as far as may be, of cultivation and forest respectively in considerable areas. (G. R. No. 4565, dated 13th July 1882.)

19. Generally land commanded by tanks and canals should not be included in the forest area. It would obviously be inexpedient to curtail the extent of land which can be irrigated for cultivation from water-works carried out by Government at great expense. The Forest Department has sufficient scope for its energies in afforesting the slopes of hills and land not suitable for cultivation, and it is from the afforesting of these lands, and not low-lying lands which are capable of being irrigated and of producing valuable crops, that an improvement of the climate may be expected.

This above ruling does not apply to Sind, it being intended to apply to the Deccan only. In Sind the question of granting for forest purposes land which can be irrigated from water-works carried out by Government at great expense, is not one which can be dealt with generally, and each application for such land must be decided on its merits. (G. Rs. Nos. 1609, dated 21st February 1884, and 3909, dated 15th May 1884.)

20. It is clearly undesirable that dense forest growth and thick tangled jungle should be permitted to extend up to the very houses of a populous suburb. (G. R. No. 2154, dated 11th March 1884.)

21. It is necessary and desirable that the area immediately surrounding the village of Mahábaleshvar should be kept clear of thick jungle. (G. R. No. 6901, dated 16th October 1888.)

22. It is inexpedient to reserve for forest purposes small isolated numbers immediately adjacent to village sites. It is also, as a general rule, objectionable to maintain, as reserved forest, solitary small patches of land in the midst of cultivated ground; but in an arid, treeless táluka, like Sholápur, it is of great importance to promote to the utmost possible extent the growth of timber and vegetation, and where blocks of land of fair size are not obtainable, even small reserves will prove of benefit. (G. R. No. 5189, dated 27th June 1884.)

23. Land on the banks of rivers should, as a rule, be retained in forest. (G. R. No. 4410, dated 5th July 1888.)

24. Forest reserves are necessary in Sind just as they are elsewhere. Indeed, there is an additional reason for their maintenance in Sind which does not exist in other parts of the Presidency, in the fact that hitherto the bulk of the fuel consumed on the Indus Valley State Railway has been firewood from the forests. But when the question is where

new forests should be formed, it is for consideration whether the land can be spared, whether it cannot be more profitably and advantageously used for agriculture, whether if irrigation is necessary for the growth of the trees the water can be supplied without unduly curtailing the quantity required for crop cultivation, and whether there are any special reasons either for or against the creation of a particular reserve. Each case would need to be dealt with separately and on its own merits. Not unnaturally one of the main objects of officers of the Irrigation Department is to show the largest possible returns in hard cash from the canals under their management, but charges for water furnished to the Forest Department can be debited to that Department and credited to the Irrigation Department, and the Irrigation Officers are apt to forget that a larger net revenue may in certain circumstances be derived by Government from, say, 500 acres of forest than from 500 acres of land under ordinary cultivation by occupants. In the case of forests in rainless tracts which require irrigation for the growth of the trees, the course suggested in the memorandum of the Superintending Engineer for Irrigation in Sind, No. 1439, dated 23rd May 1885, (paragraph 2 *) and paragraph 5 † of the Commissioner in Sind's Report No. 4462, dated 13th November 1885, could apparently be followed with advantage. (G. R. No. 9766, dated 3rd December 1885.)

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* "2. It seems to me, however, that there may at certain seasons be water running to waste, and as it probably does not matter very much when reserves are watered, that it would be feasible to turn waste water into such channels as the Forest Department may be able to borrow or to construct and on such terms as Government may order for the irrigation of reserves already in existence."

† "One thing must not be forgotten; if the railway is to burn wood, fuel reserves near the line of railway must be maintained, and these cannot everywhere or indeed except on the river bank be maintained without canal water. If the Forest Department is a necessity at all in Sind, its reserves should be watered. Water is not required at all times, and one good watering when water is not required for other crops would probably in many cases suffice for forest purposes. The officers of the Canal Department should arrange to provide this. At the same time the Commissioner sees no reason why (according to a liberal scale) the water supplied to the forests should not be paid for in the case of works classed as Productive Public Works."

PART VIII.—RESERVED AND PROTECTED FORESTS.

1. The Governor General in Council has noticed with pleasure the gradual conversion into reserves of such protected forests as it is not considered necessary to disforest. The constitution of protected forests was eminently useful at the outset of a separate Forest Administration, in order to provide at once for a limited protection of Government forest lands until a decision could be arrived at as to what areas should be maintained permanently as forests. But it now seems evident that there is no practical necessity for the creation of two classes of demarcated State forests, having regard to the complete and searching character of the enquiry and settlement made under the direction of the Bombay Government. (G. I., H. D., No. 462-F., dated 3rd June 1886; *vide* G. R. No. 4747, dated 3rd July 1886.)

2 Whilst it is conceivable that circumstances may exist under which, as a transitory measure, it might be preferable to declare forests to be protected, their constitution as reserved forests must be the aim of administration. (G. I., R. & A., No. 816-F., dated 5th August 1889; *vide* G. R. No. 6731, dated 9th September 1889.)

3. A proclamation by the Forest Settlement Officer is clearly necessary under Section 6 of the Indian Forest Act, 1878, for lands proposed to be constituted reserved forests under Section 4 of the Act. The proclamation should be as simple as possible and follow the order of the heads (*a*), (*b*), (*c*). Under (*a*)* the whole extent of the reserve should be indicated in general terms, and afterwards the particular numbers taken up in each village should be specified in the proclamation for that village. Under (*b*) the consequences appear to be those set forth in Sections 22, 23 and 25. (G. R. No. 4310, dated 18th August 1879.)

4. An occupied number cannot be considered to be forest land or waste land, and it cannot be argued that an occupied number can under Section 3 of the Act be declared a reserved forest simply because a few teak trees may be growing on it. (G. R. No. 3991, dated 31st July 1880.)

5. It is quite clear that Chapter II of the Forest Act relates to forest land, or waste land described in Section 3 and to no other land.

Section 3 specifies what land it shall be lawful for the Government to constitute reserved forest, namely, forest and waste land belonging to Government. The words "any land" in Section 4 cannot include any other land than what it is lawful for the Government to constitute a reserved forest. The Government cannot notify cultivated lands, whether alienated or unalienated, as forest reserves,

* Under clause (*a*) of Section 6 as altered by Act X of 1890 the proclamation should specify as nearly as possible the situation and limits of the proposed forest.

except by first-acquiring all the rights of ownership and converting them into waste lands. The object of Section 10 is to meet the case of any claim that may possibly be made of private ownership in or over such forest land or waste land or any portion thereof as is notified under Section 4, and to empower the Forest Settlement Officer to exclude such land from the proposed forest or obtain a surrender of it from the claimant or acquire it under the Land Acquisition Act, 1870.

With regard to any land other than forest land or waste land belonging to Government, if required for the purposes of the Forest Act, 1878, Section 83 provides that it can be treated as acquired for a public purpose and dealt with under the Land Acquisition Act, 1870. When such land has been so acquired, it becomes with all rights in or over the same public property, subject always to the right of way and all other rights of the public or of individuals legally subsisting. If Government does not dispose of it in any other way or for any other purpose, it becomes waste land belonging to Government, and may be constituted a reserved forest in the manner provided in Chapter II of the Forest Act. (L. R., No. 565, dated 9th May 1881; *vide* G. R. No. 3112, dated 31st idem.)

6. The land which Section 3 of the Forest Act (VII of 1878) empowers Government to constitute a 'reserved forest' is precisely the same as the land which under Section 28 of the Act may be constituted a 'protected forest,' *viz.*, 'forest land or waste land which is the property of Government, or over which the Government has proprietary rights, or to the whole or any part of the forest produce of which the Government is entitled.'

Land 'which has been given out for cultivation' is certainly not 'waste land.' 'Forest land' is not defined in the Act, and it is a term not easy of definition, but land which has been given out for agricultural purposes on the ordinary survey tenure, or land which the holder thereof has in any way acquired a right to hold for such purposes on such a tenure, cannot properly be called, 'forest land,' even though it was forest land before it was so given out, and even though Government have reserved their right to the trees, or to some of the trees growing therein.

But where land which was originally waste, and more or less overgrown with forest trees and jungle, has been given out merely for grazing or for dalhi cultivation under conditions restraining the cutting of the forest trees, such land is still forest land and may be dealt with by Government under either Section 3 or Section 28 of the Act. But care would have to be taken not to include any such land as that described above in the preceding paragraph.

(L. R. No. 80, dated 15th January 1883; *vide* G. R. No. 904, dated 2nd February 1883.)

The term 'forest or waste land' in Section 35 of the Indian Forest Act, 1878, must be interpreted in the same manner as the term in other parts of the Act. The opinion given above as to the meaning of the terms 'forest land' and 'waste land' in Sections 3 and 28 is therefore equally applicable to the same terms in Section 35. (L. R. No. 701, dated 23rd May 1883; *vide* G. R. No. 4749, dated 20th June 1883.)

7. Government are not prepared to adopt the view that any land designated as gairán cannot be converted into forest. (G. R. No. 6046, dated 25th August 1890.)

8. The provisions of Chapter IV of the Forest Act are applicable to any forest land not included in a reserved forest which is the property of Government. A decision of a District Court declaring certain land to belong to Government cannot be taken as sufficient to satisfy the requirements of the third paragraph of Section 28. Nor can the axiom of law, *nullum tempus occurrit domino regi* restrict an express enactment. (L. R. No. 1306, dated 20th October 1880; *vide* G. R. No. 5962, dated 11th November 1880.)

9. It is to be observed that the Forest Act does not apparently contemplate the issue of any notification stating that it is proposed to constitute certain lands protected forests. Section 28 of the Act authorizes Government to declare by notification that the provisions of Chapter IV relating to protected forests are applicable to certain descriptions of forest land or waste land, and that the lands comprised in such notification shall be called protected forests. It does not, however, provide for the publication of a notification declaring merely that it is proposed to constitute certain lands protected forests. (G. R. No. 538, dated 26th January 1881.)

10. As regards the agency by which beta lands included in protected forests should be managed, it seems obviously expedient that these lands should be retained under the control and management of the Forest Department.

The subordinate local officers of the Land, Revenue and Police Departments should fully co-operate with those of the Forest Department in securing the due observance of the rules regarding beta lands.

(G. R. No. 5652, dated 13th August 1890.)

11. As regards the question whether notifications reserving trees and prohibiting the quarrying of stone, burning of lime or charcoal, &c., can legally issue under Section 29 of the Forest Act VII of 1878, in respect of forest or waste lands before the nature and extent of the rights of Government and private persons in those lands have been inquired into and recorded, it must be remembered that Section 28 of the Forest Act requires that unless such rights have been inquired into and recorded

(*a*) at a survey or settlement, or,

(*b*) in such other manner as Government thinks sufficient,

no notification shall issue under that section except for the purpose of preventing the actual rights of Government from being endangered, pending enquiry, in which case the notification leaves existing rights unaffected.

The last paragraph of Section 28 contemplates that the notification in cases where the rights of Government are endangered, should be issued only when there is an enquiry *actually pending*. The notification is to be "*pending enquiry and record*," and it was clearly not intended that the enquiry should be indefinitely postponed after issue of the notification.

Where an enquiry has been instituted and is still pending, a notification under Section 28, final paragraph, can issue only if the enquiry is likely to last so long that the rights of Government may be endangered, but the result of that notification is to leave actual rights, then existing, wholly unaffected. But such a notification would be of no avail whatever, unless it operated under Section 32 to protect by penalties the rights of Government then actually existing. Section 29, therefore, gives power to Government to declare that the infringement of certain of its rights, then actually existing, shall thereafter entail a liability to the penalties provided by Section 32. But under the final paragraph of Section 28 such declaration cannot abridge or affect any rights in existence and, therefore, in each prosecution under Section 32 the question will be, not only whether Government have notified a reservation or prohibition, but whether such reservation or prohibition in any way affects or abridges pre-existing rights. Until the rights have been enquired into and recorded, it is almost impossible to say what act or order may not abridge or affect them, and if a Forest Officer prosecutes a private person and such person asserts that the act complained of was done in the exercise of a right which he claims, but which has not been enquired into, settled and recorded, it is hardly to be expected that the Criminal Courts will convict.

There would thus be a great practical difficulty in enforcing the penal provisions of Section 32 in respect of any notified forest prior to enquiry into existing rights, for every prosecution would involve an enquiry into those rights, and unless it could be shown affirmatively that the reservations and prohibitions did not in any way affect or abridge existing rights, the prosecution would fail. (L. R. No. 269, dated 3rd March 1890; *vide* G. R. No. 2058, dated 19th idem.)

12. The argument in the Legal Remembrancer's report No. 269, dated 3rd March 1890, given above applies equally to a declaration by Government under clause (*b*) of Section 29 of the Forest Act as to a declaration under clause (*a*) or clause (*c*) of that

section. (L. R. No. 1068, dated 23rd July 1890; *vide* G. R. No. 5645, dated 13th August 1890.)

13. Notifications under Sections 19, 28 and 29(*b*) of the Indian Forest Act should be in the forms given below:—

In exercise of the power conferred by Section 19 of the Indian Forest Act, 1878, the Governor in Council is pleased, with reference to Notification * No. , dated the , published at page of the *Bombay Government Gazette* of the , to declare the land comprised within Survey Nos. , in the village of in the Táluka of the District to be a reserved forest from the of 188 .

By order, &c.,

Secretary to Government.

In exercise of the power conferred by Section 28 of the Indian Forest Act, 1878, the Governor in Council is pleased to declare the land comprised within the Survey Nos. or portions of Survey Nos. hereinbelow mentioned in the village of in the Táluka of the District to be a protected forest.

Survey Nos. above referred to.

By order, &c.,

Secretary to Government.

In exercise of the power conferred by Section 29 (*b*) of the Indian Forest Act, 1878, the Governor in Council is pleased to declare that the portion of the protected forest of the Táluka of the District, comprised within Survey Nos. of the village of be closed for a term of years from the date of this notification, and that the rights of private persons (if any) over such portion shall be suspended during the said term.

By order, &c.,

Secretary to Government.

(G. R. No. 673, dated 1st February 1881.)

14. In all draft notifications relating to forests submitted to Government the correct names of the villages should be entered in the Devanagari character below the English spelling. (G. M. No. 83, dated 6th January 1883.)

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* Preliminary Notification issued under Section 4 of the Act

15. As regards the question whether a notification under Section 4 of the Forest Act, 1878, satisfies the requirements of that section in describing the lands to be constituted reserved forest by the numbers which they formerly bore, but which, as the survey has been revised, they no longer bear, it is to be observed that Section 4 (*b*) of Act VII of 1878 as amended by Act V of 1890 requires a notification "*specifying as nearly as possible* the situation and limits of such land", and the limits will be sufficiently described under explanation 1 to that section by boundaries that are well known and readily intelligible. The Act does not require the survey numbers to be specified at all. That is probably the most convenient mode of description in this Presidency, but there is no necessity for citing the numbers so long as the limits of the land are indicated in a way that the public can recognize.

The notification under Section 19 is intended to be more precise as a final record of rights. This is indicated by the words "definitely according to boundary-marks erected or otherwise" in the last sentence but one of that section. It is not necessary, before issuing a notification under Section 4, to wait till the materials necessary for one under Section 19 are ready. (L. R. No. 498, dated 3rd May 1890; *vide* G. R. No. 3297, dated 12th idem.)

(2) The not uncommon entry "Part of survey number" in schedules to notifications under the Indian Forest Act does not convey to intending claimants sufficiently accurate information as to the situation and limits of the land notified. It is therefore directed that such parts of survey numbers should in future be described in more detail by a remark of the kind noted in the margin, care being taken to demarcate the land and plot it on the Forest Settlement Officer's map before the notification is submitted. In the case of a whole survey number its situation and limits are sufficiently described by the survey number itself without further description.

A demarcated plot in the north-west corner of the survey number; plan open to inspection in the office of the Forest Settlement Officer.

(G. R. No. 8439, dated 19th November 1897.)

16. Cases arise in which it may be desirable to publish, by means of a fresh notification, amended descriptions of the boundaries of forest reserves already notified under Section 19 of the Indian Forest Act or under other forest enactments. It has been ascertained that there is no legal objection to this course, if the fresh notification merely provides for the substitution of a more exact and definite description of the boundaries for that which was originally notified, and which, though purporting to describe the boundaries as they existed at the time, has subsequently become incorrect, or proved to be open to misconstruction. The appended form of notification is considered suitable for such cases, and may be employed whenever necessary.

The procedure permitted in the foregoing paragraph must not be held to extend to any such alteration of the boundaries on the ground as would involve either the inclusion of new areas or the exclusion of any lands which have been declared by the previous notification to be reserved forest. Such changes require either a new settlement of the additions it is proposed to make, or, in the case of disforestation, the previous sanction of the Government of India:—

Notification.

With reference to Notification No. , dated , published, under Section of the Indian Forest Act (VII of 1878), at page of the *Government Gazette* of the , declaring the forest to be a reserved forest, is pleased to direct that the following amended and more accurate description of the boundaries of the said forest be substituted for the description contained in the said notification:—

(G. I., R. & A., No. 10-F., dated 20th June 1893; *vide* G. R. No. 5338, dated 25th July 1893.)

17. The sanction of the Government of India is not required to the exclusion from forests of lands which were merely notified under Section 4 of the Indian Forest Act, 1878, nor is it necessary for Government to publish any formal notification directing their disforestment. (G. R. No. 6028, dated 25th July 1885.)

18. When the Civil and Forest authorities are not unanimous as to the proposed disforestment of any particular lands, the Government of India should be supplied with a full statement of the arguments urged by the respective authorities for and against such disforestment. (G. I., H. D., No. 172-F., dated 27th February 1886; *vide* G. R. No. 1898, dated 10th March 1886.)

19. The Government of India is not disposed to admit the argument that reserved forest land should be given up merely because it is barren. As a general rule, land which is 'poor,' 'worthless' (for other purposes), &c., should be kept under such forest growth as it is capable of producing. (G. I., R. & A., No. 966-F., dated 13th October 1887; *vide* G. R. No. 7640, dated 9th November 1887.)

20. As there is a great difference between (I) forests reserved after investigation and settlement under Chapter II of the Forest Act, and (II) forests declared to be reserved under Section 34 subject to subsequent adjustment after investigation, in all cases of proposed exclusion from reserved forests it should be stated whether the disforestation for which sanction is asked concerns forest of the first or second class. (G. I., R. & A., No. 793-F., dated 27th July 1888, *vide* G. R. No. 5312, dated 7th August 1888.)

21. A draft notification in the form appended below should, subject to such minor modifications as local circumstances may render expedient or necessary, accompany every application for sanction to disforest land under Section 26 of the Indian Forest Act, 1878. In all such applications it should be stated whether or not the local Revenue and Forest authorities agree to the disforestation proposed: and that, in the event of any objection to such disforestation being urged, its nature should be recorded for the information of the Government of India.

Unless the description given in the draft notification of the boundaries of the area concerned, is sufficiently detailed and precise, the Government of India will be constrained to return, for rectification, any application which does not fulfil this condition:—

Draft Notification.

His Excellency the Governor in Council,
The Lieutenant-Governor,
The Chief Commissioner,

with the previous sanction of the Governor General in Council, is hereby pleased to declare, under the provisions of Section of , that the area specified below, which, in Notification No. , dated the , was declared to be reserved forest under Section of that , shall cease to be reserved forest with effect from the :—

Specification of land disforested.

Name of Reserve or portion of Reserve disforested.	District.	Pargana.	Mauze.	Area in acres.

Boundaries.

Brief description.

Reasons for disforestation.

(G. I., R. & A., Nos. 6-F., dated 10th March 1892, and 12-F., dated 28th June 1893; *vide* G. Rs. Nos. 3329, dated 11th April 1892, and 5314, dated 22nd July 1893.)

22. In cases of importance, a map illustrating the proposals for disforestment of lands under Section 26 of the Indian Forest Act should accompany the papers. (G. R. No. 3329, dated 11th April 1892.)

PART IX.—FORESTS UNDER CONSERVANCY ARRANGEMENT WHEN THE INDIAN FOREST ACT, 1878, CAME INTO FORCE.

1. The views expressed by the Remembrancer of Legal Affairs in his following Report No. 222, dated 16th February 1881, are concurred in by Government :—

"I am of opinion that the intention of Section 34 of the Forest Act was to enable Government to classify any forest lands or waste lands actually under forest conservancy, at the time the Act was passed, as reserved or protected forests for the purpose of their being thereafter administered under the Act in accordance with the provisions respectively applicable to forests of those classes. The words used in the section are 'forest lands or waste lands then under its, (*i.e.*, Government) executive control for purposes of forest conservancy,' and the marginal note to the section and the heading of the Chapter V further explain that it was meant to apply to 'forests under conservancy administration when the Act came into force.' Neither the word 'forest' nor the word 'conservancy' is defined in the Act. But construing these terms in their ordinary significance, I think that all lands under the immediate control of Government or its officers, which were not cultivated and which were set apart and maintained, whether by the officers of the Forest Department or under the supervision of any other Department, with the express view of protecting the growth of trees or underwood therein, would fall within their meaning. Lands which had remained uncultivated merely because no one had hitherto applied for their occupancy and which had not been in the meantime especially protected for forest purposes, and lands which had been assigned for special purposes other than those of general forest conservancy, such as village grazing-lands and Government *kurans*, were not, I think, intended to be dealt with under the section in question. The fact that trees belonging to Government were to be found in lands of the last named descriptions which it would be criminal in the ryots to cut and remove without permission, would not affect the matter, in as much as the sole test of the applicability of the section to any particular land was the answer to the question whether that land was or was not at the time under forest conservancy.

"But if any given area was suitable for being converted into a reserved or protected forest, as the case might be, and to be subjected as such, to the provisions of the Forest Act, it really mattered very little whether Government declared that area to be a reserved or protected forest under Section 34 or under Section 19 or 28 of the Act. For if the respective rights of Government and private persons in such area had been already enquired into, settled and recorded in some sufficient manner, no harm could happen to any one from the declaration being made under Section 34, instead of under one of the other two sections. And if no such inquiry, &c., had been previously made it is open to Government now, under the second proviso to Section 34, to direct it to be made, if they have not already done so, and such inquiry, &c., will then have to be made in precisely the same manner as if the declaration had been made under Section 19 or 28.

"No doubt, however, any person whose interest may be adversely affected by a notification illegally issued under Section 34 may sue Government to have that notification set aside. For instance, in protected forests an order of Government under Section 29(*b*) for suspending the rights of private persons for a term might be contested, and in reserved forests any order of a Forest Settlement Officer under Sections 11 to 15 might be made the subject of litigation. But I believe that in the areas for which notifications under Section 34 may be said to have been erroneously issued, few, if any, private rights are found to exist. For those in which none exist there

can be no reason for cancelling the notification. And for those in which some do exist it is a question for the consideration of Government whether it would be more expedient to undo what has been done or to stand the risk of future litigation. Should any such litigation succeed, it will still be competent to Government at any time to issue a fresh legal notification for the area concerned under Section 19 or 28, or at the worst the few suits likely to be brought may be compromised.

"Upon the whole, therefore, I would not advise the cancelment of any notification under Section 34 as regards any area which it is intended should remain as a reserved or a protected forest, unless the private rights in such area are numerous and likely to lead to difficulties.

"But it seems that certain of the areas in the Thána District, which have been notified as protected forests under Section 34, are not needed at all for forest purposes and that it is desired to disafforest them. It is necessary, therefore, to consider whether it is not competent to Government absolutely to cancel any notification issued by them under the Act declaring a certain area to be a protected forest.

"I am of opinion that it is competent to Government to do this. It appears from the Act that in protected forests no steps are taken for extinguishing private rights. Subject to the provision of clause (*b*), Section 29, which renders them liable to be merely suspended for a term, such rights continue to exist just as if no notification had issued declaring the area in or over which they are exerciseable a protected forest; so that, in truth, such a notification affects only the property of Government. Now it is obviously optional with Government to continue or discontinue on any portion of their own property the restrictions contemplated in protected forests, and it is, I think, because it was felt to be unnecessary specially to empower Local Governments to cancel notifications declaring certain areas to be protected forests that the Legislature inserted no such provision in the Forest Act. The power is one which naturally appertains to Government independently of legislative enactments. The case of reserved forests is different, (1st) because the Legislature thought it expedient to disallow the right of Local Governments to disafforest such forests without the previous consent of the Government of India, and (2nd) because it was necessary specially to provide that rights which have been extinguished in a reserved forest shall not revive in consequence merely of such forest ceasing to be a reserved forest. These two special provisions sufficiently account for Section 26 of the Forest Act, which would otherwise, I think, have been unnecessary.

"If Government concur in this view, I would recommend that a notification in the following form be issued whenever it is thought fit to direct that any area shall cease to be a protected forest:

"With reference to Notification No. , published at page of the *Bombay Government Gazette* of the of 18 , the Governor in Council is pleased to direct that the undermentioned land shall cease, from the date of this notification, to be a protected forest.

Land above referred to.

. . . . . .

. . . . . .

By order, &c."

(G. R. No. 1125, dated 23rd February 1881.)

2. When the Legislature deems it necessary that Government should have power from time to time to alter or cancel any order or decision which it passes under an enactment, special provision is

inserted in this behalf in the enactment. In the absence of any such provision in the Forest Act regarding orders or decisions which Government may pass under the first proviso to Section 34 of that Act, it must be held that the power does not exist.

The effect of the order of Government under the first proviso to Section 34 of the Forest Act is to invest certain persons permanently with the rights admitted to appertain to them in the enquiry which Government hold to have been sufficient; and only an express provision of the law in very clear terms would be recognized by the Courts as authorizing Government at any time afterwards to bring into question or re-investigate such vested rights.

(L. R. No. 1075, dated 24th July 1890; *vide* G. R. No. 5705, dated 14th August 1890.)

3. Though the enquiry into adverse rights, with which areas declared to be reserves under Section 34 may be burdened, can be made in the manner prescribed in Chapter II of Act VII of 1878 and be settled accordingly, areas once notified as reserves cannot again be notified under Section 4 without their previous disafforestation under Section 26. (G. I., R. & A., No. 726-F., dated 23rd June 1891; *vide* G. R. No. 5589, dated 14th August 1891.)

PART X.—CONTROL OF FORESTS, &c., NOT THE PROPERTY OF GOVERNMENT.

1. The following is the form of notice to be issued under Section 35 of the Indian Forest Act, 1878:—

Notice.

From

To

This is to give you notice under Section 35 of the Indian Forest Act, 1878, that His Excellency the Governor of Bombay in Council has it in contemplation to issue a notification under the said section of the said Act prohibiting (or prescribing the following, or similar regulations for) the breaking up or clearing of land for cultivation (*or* the pasturing of cattle, *or* the firing or clearing of the vegetation, *or each of these operations, as the case may be*) within the limits of the forest (or waste land, *as the case may be*) mentioned in the schedule hereto annexed (If regulations are to be prescribed, here add, *viz.*, (1), (2), (3), &c.).

If you wish to show cause why such notification should not be made, you should appear within two months from the date of receipt of this notice before who has been appointed by Government to hear your objections (if any) and the evidence you may produce in support of the same.

Dated at , the day of 188 . } Signed

(G. R. No. 3280, dated 25th June 1880.)

2. Lands which Government hold from their owners on lease cannot be converted into reserved forest. Nor do such lands properly fall under Section 38 of the Forest Act. (L. R. No. 469, dated 22nd April 1887; *vide* G. R. No. 3021, dated 14th May 1887; *vide* also G. Rs. Nos. 9344 and 9346, dated 26th November 1884, and 2520, dated 10th April 1891.)

PART XI.—FORESTS, &c., IN CHARGE OF REVENUE OFFICERS.

1. The Forest Department should exercise no interference with cultivated lands within forest reserves in the Godhra Táluka of the Panch Maháls District.

This ruling is extended also to the other tálukas of the Panch Maháls where survey fields in occupation and cultivation are situated within forest reserves except in the case of fields which may have been specifically transferred to the Forest Department for revenue management. (G. R. Nos. 4485, dated 2nd September 1878, and No. 6717, dated 20th December 1880.)

2. All 'outbandi' and other forest villages should be removed from the charge of the Forest Department and placed under the management of the Revenue Department. (G. R. No. 3558, dated 31st May 1882.)

3. The Deputy Commissioner, Upper Sind Frontier, is authorized to incur expenditure in connection with the forests called the Dickenson and Macaulay Belos up to Rs. 500 in any one year subject to the proviso that the sum is available from receipts on account of the Belos. The previous sanction of the Commissioner in Sind should be obtained in every case in which it is necessary to incur expenditure in excess of Rs. 50. (G. R., F. D., No. 1792, dated 20th May 1884.)

4. As an experimental measure the management of the forests in the Modása Petha in the Ahmedabad District should remain with the Collector, and the agency of the village officers should be utilized for conservation of the forests. Village officers should be paid for the collection of forest receipts on the scale sanctioned in Government Resolution No. 1511, dated 11th March 1887. The revenue derived from these forests should be credited to "Land Revenue" and all charges should also be debited to the same head. (G. Rs. Nos. 1551, dated 6th March 1888, and 3509, dated 30th May 1888.)

5. The entire control as regards the working and management of the Thar and Párkar forest reserves, as also their receipts and expenditure, should remain with the Deputy Commissioner in charge of the district, who should for this special purpose be treated as a forest disburser and allowed to render his accounts direct to the Accountant General. The transactions of these forests should, however, be incorporated with those of the Sind Circle, and the revenue should be credited wholly to "Forests." (G. I., R. & A., No. 1003-F., dated 20th September 1893; *vide* G. Rs. Nos. 7405, dated 11th October, and 8253, dated 11th November 1893.)

PART XII.—ACQUISITION OF LANDS FOR FORESTS.

1. Collectors cannot, without the sanction of the Commissioners and Government, transfer lands to the Forest Department. (G. R. No. 6460, dated 14th December 1878.)

2. Whenever the Forest Department propose to take up land for forests, the application should invariably be forwarded, in the first place, to the Collector of the District, who should submit the matter with his opinion thereon to the Commissioner of the Division. The opinion of the Collector should always be given *fully*. Government look to the Collectors, who are in a better position to judge than Forest Officers, that in no instance is more money given by Government for the right of occupancy of its own land than is absolutely necessary. (G. R. No. 1653, dated 26th March 1879.)

3. Actually occupied survey numbers cannot be declared to be reserved forests or dealt with under Section 4 of the Indian Forest Act, 1878. If such numbers are urgently required for forest purposes, possession of them will have to be obtained under the Land Acquisition Act in accordance with Section 83 of the Indian Forest Act. (G. R. No. 2571, dated 17th May 1880.)

4. No land can be taken up under the Land Acquisition Act until a declaration has been made and published by Government under Section 6 to the effect that such land (describing it) is needed for a public purpose. Under Section 7 the appointment of the Collector or special officer to take order for the acquisition of the land should follow and not precede such appointment. (L. R. No. 1304, dated 26th September 1883; *vide* G. R. No. 7440, dated 5th October 1883.)

5. If Government occupied lands are required for forests, they must be acquired in the usual manner. The process of acquisition of all the area needed may be gradual and long, but this is preferable to securing the land by either paying rent for it on a lease, or giving for it certain forest rights. Resort should only be had to the Land Acquisition Act in exceptional cases when for special reasons it is particularly desirable to secure at once possession of land which cannot otherwise be obtained. In ordinary circumstances it is not advisable to adopt so strong and extreme a procedure, which must be distasteful to the persons affected by it and must tend to intensify any dislike which may be felt to the Forest Department and its operations. (G. R. No. 5858, dated 20th July 1885.)

6. Unless a field is duly acquired by Government either by purchase or otherwise it is improper to notify it under Section 4 of the Forest Act. Such notifications are productive of unnecessary confusion and trouble. (G. R. No. 7537, dated 25th October 1886.)

7. It is not desirable to bring into operation the provisions of the Land Acquisition Act in order to secure land for forest except in special cases when the immediate acquisition of the occupied land is urgently needed. (G. Rs., F. D., Nos. 3530, dated 30th December 1887, and 3950, dated 21st December 1888, and G. R. No. 2483, dated 30th March 1889.)

8. It is undesirable to employ the Land Acquisition Act for the purpose of acquiring land to round off a forest block which is intended to be classified as 'pasture.' (G. R. No. 9019, dated 16th November 1892.)

9. It cannot be imagined or hoped that acquisition of lands required for forests will be concurrent with demarcation. It is the duty of the Demarcation Officer to see and decide what he ought to recommend for inclusion within the demarcation area; and he will acquire by exchange and negotiation and in some cases by purchase some of the lands required. Others will no doubt be waste and available; still there must be a considerable extent of land held by different owners which cannot be at once acquired, but of which as it has been included in the demarcation area, lists will be made. As time passes on, some will naturally fall in from resignations and much will no doubt be offered for exchange or sale; and the District and Forest Officers with these lists before them will year by year be able to acquire very considerable areas, which will then be included within forests by notification. (G. R. No. 409, dated 17th January 1883.)

10. In all cases in which it is proposed to purchase lands for forests, the Divisional Forest Officer should submit the applications to the Forest Settlement Officer in the first instance for opinion. (G. R. No. 1015, dated 7th February 1883.)

11. Commissioners are authorized to sanction purchases of lands, the inclusion of which in forests has already been approved by Government, provided that there is budget provision to meet the expenditure proposed to be incurred in each case. (G. R. No. 1609, dated 27th February 1883.)

12. In ghát tálukas it will be permissible to purchase lands outside the demarcated area if they adjoin that area.

In cases when they do not adjoin that area, and there is a Forest Settlement and Demarcation Officer, the lands may be purchased, provided that that officer approves of the purchase. Where there is no Forest Settlement and Demarcation Officer, no lands outside the demarcated area should be purchased, unless they adjoin the demarcated area or if they are beyond the demarcated area without the special sanction of Government. In all cases in which such sanction is applied for, full detailed reasons

should be given in each case and an explanatory map should accompany each application.

It must be understood that Government do not desire the extension of the demarcated area except for special reasons such as that the land to be added is of such character and position that it certainly would have been included in the demarcation if it had been available at the time. The Commissioner of the Division should decide in each case of proposed addition whether the land should be acquired for forest or not.

(G. R. No. 7303, dated 8th September 1885.)

13. The Forest Settlement Officer should always consult the Conservator before actually concluding an exchange of notified forest land for other land. (G. R. No. 5888, dated 21st July 1885.)

14. Government in Resolution No. 529 of 26th January 1881 (paragraph 3) authorized the Forest Demarcation Officer of Poona to effect exchanges, subject to the concurrence of the District Forest Officer, and without the previous sanction of Government, in cases where lands occupied but suitable for forest purposes could be obtained in exchange for lands which although already notified as reserved forests were less suitable for forest conservancy, and where prompt action was desirable.

(2). As the scope of these orders has evidently been misunderstood, it is necessary to point out that it was not the intention of Government that the authority thus conveyed should be exercised generally by all Forest Demarcation Officers, and that no steps were taken at the time, or have since been taken, to extend the authority to any district other than that specified in the Resolution.

(3). The procedure sanctioned by the Resolution quoted was a departure from the ordinary practice necessitated by exceptional circumstances, and Government does not consider it necessary or desirable—under existing circumstances—to extend it to other districts, or even to authorize its continuance in the Poona District.

(4). It should be understood, therefore, that in future no land which has been finally constituted reserved forest under Section 19 or Section 34 of the Forest Act should be given in occupancy, or otherwise disposed of, without the previous sanction of Government.

(5). The case of waste lands which have been notified as proposed reserved forests under Section 4 of the Act, or as protected forests, rests on a different footing. Instances may occasionally occur when *assessed* waste lands belonging to either or both the above categories may advantageously be exchanged for occupied lands which fall within the proposed forest boundaries, or are more suitable for forest purposes, and where the delay incidental to obtaining previous sanction may result in the failure of the negotiations. Whenever prompt action is ne-

cessary in such cases, Forest Settlement and Demarcation Officers may be authorized to effect exchanges at their discretion, with the concurrence of the District Forest Officer, without previous sanction of Government. The authority hereby given does not extend, however, to the utilization, for exchange purposes without previous sanction, of any *unassessed* areas included in forests.

(G. R. No. 6129, dated 6th September 1893.)

PART XIII.—SETTLEMENT AND DEMARCATION.

1. The system of forest settlement adopted in the Bombay Presidency is as follows :—

(*a*) The settlement work is carried on chiefly by special officers belonging to the Civil Service, who are relieved of all other duties and are deputed upon forest settlement work alone.

(*b*) In a few cases the Assistant or Deputy Collector in revenue charge of a táluka is Forest Settlement Officer in respect of that táluka and performs the forest settlement work in addition to his ordinary revenue and magisterial duties.

(*c*) The Collector of the District is generally appointed under Section 16 of the Indian Forest Act, No. VII of 1878, to hear appeals from such orders as the Forest Settlement Officer in his Collectorate may pass under Sections 10, 11, 14 or 15 of the Act.

(*d*) In Collectorates in which forest reservations have not been completed, the Forest Settlement Officer, who is invariably in such cases an Assistant Collector, is appointed Demarcation as well as Settlement Officer, and it then becomes his duty to arrange, in personal communication with the Forest Officer in charge of the District, what lands are required to be finally maintained as forests under the Forest Act ; each táluka of a Collectorate is taken up in turn and demarcated, and in this manner complete selections of lands for forests are made. Lists of these lands are prepared and the latter are entered upon the map of the táluka in distinguishing colours and a report containing among other matters the recommendations of the Demarcation Officer, made in his executive capacity, as to the privileges which may be allowed in the lands when they have been constituted forests, is drawn up. These documents are then submitted to the Collector of the district by the Demarcation Officer. If any settlement work has been completed the results are embodied in the demarcation report, which in that case becomes a demarcation and settlement report. The Collector criticises the proposals and records his opinion, and the papers then pass to the Conservator of Forests of the Division, who attaches his remarks and transmits all the documents to the Commissioner of the Division. The Commissioner after recording his views submits the papers to Government for final orders.

The demarcation lists comprise :—

(1) Lands already forest.
(2) Government waste land.
(3) Occupied lands or alienated lands which are to be acquired.

The Forest Demarcation and Settlement Officer is invested by Government with special powers for the acquisition of occupied lands. Some of these lands are purchased by payment of such

compensation as the Demarcation Officer and the occupant may jointly agree to. Others are obtained by exchange, waste lands being given in their place, and sometimes the Demarcation Officer remits, for one, two or three years, the assessment upon the new lands to be given in exchange for the occupied lands to be included in forests.

(G. L. to the Government of Madras, No. 3150, dated 23rd April 1883.)

2. There is no objection to a Forest Settlement Officer being also a Forest Demarcation Officer. A Forest Demarcation Officer is not invested, as such, with any powers under the Forest Act and he does not, therefore, hold a "forest office." Moreover, Section 4 of the Act does not absolutely prohibit the appointment of a person holding a forest office to be Forest Settlement Officer. It merely directs that such an appointment shall not "ordinarily" be made. (L. R. No. 222, dated 16th February 1889; *vide* G. R. No. 1125, dated 23rd idem.)

3. It seems inexpedient, and not in accordance with the spirit of the Act, that a Divisional Forest Officer should be appointed Forest Settlement and Demarcation Officer. (G. R. No. 4157, dated 28th June 1882.)

4. It is, as a rule, desirable that the forest demarcation of a táluka or a district should be effected by an Assistant Collector, who should, however, act in consultation with the Divisional Forest Officer, and it is essential that the forest settlement should be performed by an Assistant Collector, and not by an officer of the Forest Department. (G. R. No. 5907, dated 22nd July 1884.)

5. It is essential that the Forest Settlement Officer should, when preparing his demarcation scheme, work in consultation with the Divisional Forest Officer. (G. R., No. 17, dated 4th January 1889.)

6. Forest Settlement Officers should submit their diaries to the Conservator of Forests in charge of the division in which they are employed. (G. R. No. 4072, dated 30th May 1883.)

7. The Forest Settlement Officer, Thána, must reside during the monsoon at the head-quarter station of his district. (G. R., F. D., No. 4214, dated 4th December 1891, and G. R. No. 9893, dated 16th December 1892.)

8. Neither Forest Settlement Officers nor their establishments are under the control of the Conservator, but as he is responsible for expenditure debited to the head of Forests he should countersign the salary and travelling allowance bills of the establishments of Forest Settlement Officers. As these establishments are not subordinate to the Divisional Forest Officers, the Forest Code does not require the bills to be submitted through these officers. (G. R. No. 4918, dated 19th May 1885.)

9. However valuable and useful the suggestions and advice of the Forest Settlement Officer may be, both to the Forest Department and to the District authorities, in connection with the administration of forest lands, it is not constitutionally any part of that officer's duties to submit to the executive authorities official recommendations which relate to the executive management of forests. His position, in proceedings affecting reservation under the Forest Act, is solely that of a judge. In this capacity he has the power to determine the rights of the State and of the people in certain forest areas, to provide for the exercise of adverse rights, to regulate them, or to extinguish them; and the Government of India, would prefer, both for administrative and financial reasons, that the official action of Forest Settlement Officers should be confined to performance of these duties. (G. I., R. & A., No. 651-F., dated 6th June 1891; *vide* G. R. No. 4560, dated 6th July 1891.)

10. A declaration under Section 34 does not affect rights of *Government* or *private persons* which have previously been settled in a manner which Government think sufficient. It follows that where rights have either been admitted or *rejected in favour of Government* in such manner, the enquiry is not to be re-opened.

Under Section 28, rights enquired into and recorded at a survey or settlement are sufficiently enquired into for the purposes of the Act.

The Forest Settlement Officer is concerned with a settlement of rights, and is not otherwise called upon to decide what lands shall be included or excluded, but he has to do with the exchange of lands.

The Collectors and their Assistants in charge of tálukas are to the utmost of their powers to co-operate with the Forest Settlement Officer so as to facilitate the progress of his settlements and prevent undesirable delay in their completion.

(G. R. No. 4576, dated 30th August 1879.)

11. A Forest Settlement Officer in his award of settlement is not required to make any record of *privileges*. The Settlement Officer has simply to record in his award column against the different forest numbers, *rights*, their nature and extent, where rights exist, and to record "free of rights" where no rights exist.

(2). A Forest Settlement Officer is not to record that certain forest lands should be expunged and that others are available for exchange. This is the work of a Forest Demarcation Officer, and not of a Forest Settlement Officer as defined by the Forest Act.

(3). The powers and duties of a Forest Settlement Officer, as defined by the Act, are briefly as follows:—

The "Forest Settlement Officer" (*vide* Section 4 *c*) is appointed to enquire into and determine the existence, nature, and extent of any "*rights*" alleged to exist in favour of any person in or over any land

comprised within the proposed forest limits, or in or over any forest produce, and to deal with the same as provided by the Act.

The Settlement Officer is required (Section 7) to take down in writing any statements of claims of "*rights*" made under Section 6, and to enquire into all claims duly preferred under that section, and the existence of any "*rights*" mentioned in Sections 4 and 5, so far as may be ascertainable from the records of Government, and the evidence of any persons likely to be acquainted with the same.

In the case of a claim* to a "*right*" in or over any land other than a right, if any, of (way or) pasture, or to forest produce or a water-course, the Forest Settlement Officer shall (*vide* Section 10) pass an order admitting or rejecting the same in whole or part.

If such claim be admitted in whole or in part, the Forest Settlement Officer shall either

(1) exclude such land from the limits of the proposed forest, or

(2) come to an agreement with the owner thereof for the surrender of his rights, or

(3) proceed to acquire such land in the manner provided by the Land Acquisition Act.

The Forest Settlement Officer is deemed to be a Collector proceeding under the Land Acquisition Act (*vide* Section 10*a*), and he may, with the consent of the claimant, or the Court may, with the consent of both parties, award compensation in land or partly in land and partly in money (Section 10*d*).

In the case of a claim to "*rights*" of pasture or to forest produce, the Forest Settlement Officer shall pass an order admitting or rejecting the same in whole or in part (Section 11).

The Forest Settlement Officer, when passing any order under Section 11, shall record (Section 12), so far as may be practicable,

(*a*) the name, father's name, caste, residence, and occupation of the person claiming the right;

(*b*) the designation, position and area of all fields or groups of fields (if any), and the designation and position of all buildings (if any) in respect of which the exercise of such rights is claimed.

If the Forest Settlement Officer admits, in whole or in part, any claim under Section 11, he shall (*vide* Section 13) record the extent to which the claim is so admitted specifying the number and description of the cattle, which the claimant is from time to time entitled to graze in the forest, the season during which such pasture is permitted, the quantity of timber and other forest produce which he is from time to time authorized to take or receive, or such other particulars as the case may require. He should also record whether the timber or other forest

* As regards a claim relating to the practice of shifting cultivation, *vide* Section 9A inserted by Act V of 1890.

produce, obtained by the exercise of the rights claimed, may be sold or bartered.

After making such record, the Forest Settlement Officer shall (*vide* Section 14) to the best of his ability, and having due regard to the maintenance of the reserved forest in respect of which the claim is made, pass such orders as will ensure the continued exercise of the "*rights*" so admitted. For this purpose the Forest Settlement Officer may

(*a*) set out some other forest tract of sufficient extent and in a locality reasonably convenient for the purposes of such claimants, and record an order conferring upon them the right of pasture or to forest produce, as the case may be, to the extent so admitted; or

(*b*) so alter the limits of the proposed forest as to exclude forest land of sufficient extent, and in a locality reasonably convenient for the purposes of the claimants; or

(*c*) record an order, continuing to such claimants a right of pasture or to forest produce (as the case may be) to the extent so admitted, at such seasons, within such portions of the proposed forest, and under such rules, as may from time to time be prescribed by the Local Government.

In case the Forest Settlement Officer finds it impossible, having due regard to the maintenance of the reserved forest, to make such settlement under Section 14 as shall ensure the continued exercise of the said *rights* to the extent so admitted, he shall (*vide* Section 15), subject to such rules as the Local Government may from time to time prescribe in this behalf, commute such rights, either by payment to such persons of a sum of money in lieu thereof, or by the grant of land, or in such other manner as he thinks fit.

(4). Lands handed over to forests under former demarcations should *not* come within the cognizance of the Forest Settlement Officer, for the reason that all claims connected with them have already been enquired into, settled, and recorded, and this settlement has been approved of and sanctioned by Government, and has been in observance for years. Should the Forest Settlement Officer have reason to suspect that in any instance the previous enquiry was insufficient, he may report the case for the special orders of Government as to whether a detailed enquiry is to be made under the Act.

(5). Although under Sections 10, 14 (*a*), (*b*), and 15 a Forest Settlement Officer is empowered to exclude proposed forest lands which may be burdened with rights, to give some forest tracts as compensation for rights that were attaching to other forest tracts retained in reserved forests, to alter the limits of *proposed* forest, so as to exclude forest land from the exercise of rights, he has no power to throw out any portion of declared reserved forest previously

settled—land indeed which has not been by law subjected to his operations or control in this respect. Section 26 of the Act prescribes the procedure to be observed when any forest, or any portion of it, is desired to be removed from reservation, and the Forest Settlement Officer's duties have no connection with this work. (G. R. No. 4919, dated 15th September 1879.)

12. It is the duty of the Forest Settlement Officer to enquire into the existence of rights of way as well as any other rights even if they are not claimed, and necessarily to define in his proceedings whether they are public or private, high roads, cart tracks or bye-paths. No right of way thus defined and admitted can be afterwards stopped without the previous sanction of the Local Government and until a reasonably convenient substitute has been provided. The provisions of the Act are most distinct and careful, and His Excellency in Council desires that they may be most strictly followed by all officers concerned in forest settlement and management. Any vexatious and illegal interference with forest rights or rights of way in forests will be visited with the severest displeasure of Government. (G. R. No. 3112, dated 31st May 1881.)

13. Under Section 4 (*c*) the Forest Settlement Officer is to enquire into "any rights alleged to exist in favour of any person in or over any land." Sections 10—15 lay down how he is to deal with other rights in or over land than a right of way, which he is apparently to leave unchanged after it has been admitted and which will remain unchanged, unless the Forest Settlement Officer takes measures under Section 24 to stop it. With reference to this section, it should be observed that the Forest Officer has no power to stop any public or private right of way or water-course in a reserved forest without previous sanction and until a substitute deemed reasonably convenient by the Local Government has been provided. (G. R. No. 3284, dated 8th June 1881.)

14. The object of the appointment of a Forest Settlement Officer is that after a fixed date all rights not asserted before him or otherwise brought to his knowledge may be *extinguished*. The rights of private parties cannot be exhaustively ascertained and recorded without proceedings of this kind, which are not held by the Survey Officers. The Forest Settlement Officer may have to deal with private lands which have been included in notifications (Section 10), and as to claims to pasture and forest produce, has to make a record of rights and pass orders. Forest rights cannot be considered settled until he has finished his work. Enquiries made by the Survey Officers are not sufficient in the sense of Section 34, Clause 2, of the Indian Forest Act, 1878. (G. Rs. Nos. 3329, dated 24th June 1879, 3567, dated 7th July 1879, and 7840, dated 9th November 1882.)

15. As regards privileges, a Forest Settlement Officer may make such recommendations as the circumstances seem to him to justify or necessitate, but the question of privileges must be kept entirely separate from that of rights, and no rights should be admitted except those which are satisfactorily established. It cannot be allowed that the fact that certain rights have been proved or admitted in certain tálukas furnishes of itself sufficient evidence or authority to warrant a Forest Settlement Officer in ruling that those rights must be granted in other tálukas. The Forest Settlement Officer is required in each case to take the facts as he finds them and to admit rights only where he finds their existence proved. He cannot admit rights in one táluka simply because they have been admitted in another. (G. R. No. 2051, dated 12th March 1883.)

16. Right of way and right to a water-course are included in the rights referred to in Section 9 of the Indian Forest Act.

(2). The Forest Settlement Officer is appointed to inquire into and determine the existence, nature and extent of any rights alleged to exist in favour of any person in or over any land comprised within the specified limits of the proposed forest, and to deal with the same as provided in Chapter II. He has, therefore, two principal duties to attend to: first, to make a proper inquiry; and, secondly, to dispose of the claims in accordance with the provision of the said chapter.

(3). His enquiry is to be made not only into all claims duly preferred, but he is to search for the *existence* of any rights which are not claimed by examining Government records, taking the evidence of persons likely to be acquainted with any such rights, and personally surveying and mapping out the proposed forest.

(4). The rights so contemplated are classed as follows:—

(1) Right of pasture.
(2) Right to forest produce.
(3) Right of way.
(4). Right to water-courses.
(5) All other rights in or over any land.

Section 10 provides how the Forest Settlement Officer shall deal with the last class of rights.

Sections 11, 12, 13, 14 and 15 provide how the Forest Settlement Officer shall deal with the first and second classes of rights.

The third and fourth classes relate to certain incorporeal hereditaments or easements attaching to the land which is the property of Government. It is obvious that when once after due inquiry a claim to any such right is admitted, or when once the existence of any such right is discovered, the fact of the right is sufficiently established.

(5). Where no claims are preferred in respect of these rights, it is undoubtedly the duty of the Forest

Settlement Officer not to overlook their existence and not to neglect to make every possible enquiry to ascertain whether any such rights do exist. It depends on the Forest Settlement Officer to prevent any hardship occurring to villagers living near proposed forests in respect to the use of public pathways or of water-courses in the forests; and it is not likely that any such rights, where they are clearly defined and ascertainable, will become extinct through the operation of Section 9. Any right of this description which is so obscure as not to be claimed at the proper time, or to come to knowledge after careful search has been made, cannot be of much worth.

(6). It is clearly the intention of the Legislature that all existing rights of way or to water-courses should be carefully ascertained and preserved intact, unless it is found convenient to stop such ways or water-courses and substitute others for them, as provided by Section 24.

(7). Any person who shall enter a forest except by such public or private way will be a trespasser. An unlawful entry on another's land is a trespass; but it is not an offence punishable under the Penal Code, which only contemplates the offence called "criminal trespass," *i. e.*, trespass with intent to commit an offence or to annoy the person in possession. But unlawful entry on a reserved forest is a forest offence punishable under the Forest Act, 1878. (L. R. No. 565, dated 9th May 1881; *vide* G. R. No. 3112, dated 31st idem.)

17. As regards enquiries by Forest Settlement Officers into rights, it is sufficient if full and clear notice is given as required by the Forest Act. It is no part of the duty of these officers to hunt up imaginary claims for decision or to put up people to making claims they never have dreamt of. As a British officer the Forest Settlement Officer will of course take care that no stupid, ignorant man is injured by his claims not being considered, but beyond this he is not required to go. (G. R. No. 409, dated 17th January 1883.)

18. District Officers should consider it to be their duty to bring to the notice of Forest Settlement Officers the existence of any rights likely to be overlooked. (G. R. No. 9305, dated 24th November 1884.)

19. Grazing *grants* recorded by the Survey can at any time be dealt with under Section 38 of the Land Revenue Code, but *grazing rights* imply that the Survey records rights which it found to be in existence, and if the Forest Settlement Officer has placed them on record, neither the Survey nor the Commissioner could touch them. (G. R. No. 4474, dated 15th July 1887.)

20. The remarks made by the Commissioner, S. D., in the following extract 5 of his memorandum No. 2191, dated 6th July 1892, in connection with

the Forest Demarcation and Settlement Report of the Khánápur Táluka of the Belgaum District were concurred in by Government:—

"5. Mr. Gray has found no rights to exist except those 'over all existing paths through the forests.' The Acting Conservator of Forests objects to this form of settlement. He supports the Divisional Forest Officer's proposal that rights should be recognized in respect of those paths only which are marked on the village maps. This is objected to by the Collector, and the Commissioner thinks rightly. It is not disputed that the survey village maps do not record 'all existing paths.' If the Forest Department finds that the use by the public or an individual of any particular paths through the forests is injurious to forest conservancy, it can take action under Section 24 of the Forest Act. The Commissioner is, therefore, of opinion that Mr. Gray's settlement should not be limited in its scope as proposed by the Forest Authorities."

(G. R. No. 6060, dated 22nd August 1893.)

21. The Indian Forest Act (*vide* Sections 4 and 16) only really requires the appointment of a Forest Settlement Officer and of an appellate authority for the purpose of an inquiry into rights in a reserved forest. With regard to protected forests, Sections 28 and 34 prescribe that 'the nature and extent of the rights of Government and of private persons in or over the forest land or waste land comprised therein shall be enquired into and recorded at *survey or settlement, or in such other manner as the Local Government thinks sufficient.*' It is, of course, competent to Government, if they think fit, to direct, with reference to the last ten words of this quotation, that in protected forests the enquiry and record shall be made and prepared by a Forest Settlement Officer in the same manner and subject to the same provisions and right of appeal as in the case of reserved forests, but there is no legal necessity for their doing so; it is not even necessary that the enquiry and record be made by a Forest Settlement Officer.

If, however, protected forests are proposed to be constituted reserved forests, then the inquiry into rights by a Forest Settlement Officer, subject to the provisions of Chapter II of the Act, will be imperative. (L. R. No. 1260, dated 24th September 1884; *vide* G. R. No. 7950, dated 9th October 1884.)

22. In cases in which the Forest Settlement Officer "finds it impossible, having due regard to the maintenance of the reserved forest, to make such settlement under Section 14 of the Forest Act as shall ensure the continued exercise of the inámdárs' rights to the extent" to which he has admitted their existence, Section 15 of the Act requires that the Forest Settlement Officer "*shall* commute such rights, either by the payment to such persons of a sum of money in lieu thereof, or by the grant of land or in such other manner as he thinks fit." This it is incumbent on the Forest Settlement Officer to do, and an appeal will lie under Section 16 of the Act against any order he may pass. The provisions of the Land Acquisition Act are not applicable. The commutation must be made under

Section 15 of the Forest Act and subject to such rules, if any, as Government may have prescribed under that section. (L. R. No. 1056, dated 9th August 1884; *vide* G. R. No. 6940, dated 29th idem.)

23. There is no objection to the commutation, where necessary, by the Forest Settlement Officer of rights either by the payment of a lump sum, or by a cash allowance, or by remission of judi, or by giving land revenue-free; but a cash payment would in most instances be most advisable in the interest of Government. The Assistant or Deputy Collector in charge of the táluka should be empowered, under Section 16 of the Act, to present an appeal against any order of the Forest Settlement Officer under Section 15 which may appear to him injurious to the interests of the Government land revenue, so that all such cases may be brought under the review of the Collector. To enable the Assistant or Deputy Collector to decide whether an appeal should or should not be preferred, a copy of every decision passed by the Forest Settlement Officer under Section 15 should be communicated to him by that officer. (G. R. No. 1190, dated 9th February 1885.)

24. It is not competent to Government to extend the provisions of Section 9 of the Forest Act, regarding the extinction of rights in reserved forests, and of Section 15, regarding the commutation of rights in such forests, to protected forests. In the case of a protected forest, all that the Act contemplates is an enquiry and a record of rights, not a settlement. If the existence of a right is denied by Government in a protected forest, there is nothing to prevent the claimant from resorting to the usual remedy in the Civil Courts to establish his claim if he is so minded. And if his right is admitted, he cannot be in any way *compelled* to commute or part with it. A 'settlement' with him can only be made with his consent. (L. R., No. 355, dated 18th March 1885; *vide* G. R. No. 2711, dated 31st idem.)

25. The proceedings of Forest Settlement Officers under Sections 7 and 10 of the Forest Act should be full and formal, following the forms of procedure in civil suits. They should, of course, regard the contention of Government in reliance on the opinion of the Legal Remembrancer simply as the case of one party to a suit. (G. R., No. 8438, dated 16th October 1885.)

26. The object of Chapter II of the Forest Act is to enable the State to maintain certain areas permanently as reserved forest, and with this view an elaborate procedure is prescribed. The Forest Settlement Officer hears claims to rights, and, under Section 13, makes a record of such rights as he admits. Then, under Section 14, 'having due regard to the maintenance of the reserved forest, he proceeds to pass such orders as will ensure the con-

tinued exercise of the rights so admitted. If, however, he finds it impossible, having, again, 'due regard to the maintenance of the reserved forest,' to arrange the matter suitably, he can, under Section 15, commute such rights either by money payment, or by grant of land, 'or in such other manner as he thinks fit.' The Government of India is advised that the commutation of rights thus provided for must be of a permanent, and not of a temporary, character, and that in fact it must be of such a nature (in whatever manner it may be made) as to absolutely extinguish the right which the Forest Settlement Officer has admitted, but the exercise of which cannot be allowed with due regard to the maintenance of the reserved forest. It may be observed that the words 'other manner,' in the expression 'in such other manner as he thinks fit,' simply refer to the nature of the consideration which the right-holder is to receive for the commutation of his rights, and imply that it must be a mode *ejusdem generis* with payment of a lump sum or a grant of land. (G. I., R. & A., No. 893, dated 23rd September 1887; *vide* G. R. No. 8524, dated 15th December 1887.)

27. The commutation of rights provided for in Section 15 of the Act was intended to be, and according to the true construction of the terms of the section, is an extinguishment of the right commuted, for the consideration mentioned just as by Section 10, an absolute surrender (sub-clause 2), or complete and permanent acquisition (sub-clause 3) of the rights dealt with by that section, are provided for. This view is supported by the terms of Section 26, which appear to assume the operation of the Act on forest rights to be limited to extinguishment or absolute acquisition of the same, and by the fact that nowhere in the Act is there any trace of an intention that forest right should, under its provisions, be suspended or temporarily taken up by Government. The expression at the end of Section 15, 'in such other manner as he thinks fit,' may be construed as having reference only to the consideration to be paid or given for the right commuted, and these words cannot properly be interpreted as in any degree amplifying or affecting the meaning of the word 'commuting' which must be read in its ordinary signification of exchanging, out and out and permanently. There seems no reason why a cash allowance, either permanent or temporary and terminable, at a fixed period or on the expiry of one or more lives, should not form the consideration for the commutation (*i.e.*, permanent acquisition) of rights under Section 15. The granting of such allowances, either permanent or temporary, in lieu of the rights commuted would be within the scope of the words 'in such other manner as he thinks fit,' at the close of the section, and no rule appears to me to be necessary to warrant the adoption of this course. There can be few forest rights for the permanent acquisition

(commutation) of which allowances, terminable at periods more or less remote, according to the nature and value of the rights, would not be adequate compensation. (Adv. Genl., No. 28, dated 8th November 1887; *vide* G. R. No. 8524, dated 15th December 1887.)

28. In the margin of Section 18 of the Forest Act is the word "Pleaders," which seems to show that the section refers to the appointment of Counsel by the parties. It may be assumed, as a matter of course, that the Forest Settlement Officer will consult the Forest Department in all his proceedings, and a formal permanent appointment of the Forest Officers, under Section 18, to appear for Government is not necessary. (G. R. No. 4034, dated 1st August 1879.)

29. Care should be taken that a copy of the Forest Settlement Officer's report and of any orders passed by him under Section 11 of the Indian Forest Act, is communicated to the Conservator of Forests in time to enable him to prefer an appeal under Section 16 within the period specified in that section, should such an appeal be deemed expedient. (G. R. No. 4560, dated 6th August 1881.)

30. A copy of every award of a right against the forests, save of a right of way, in respect of any forest lands which may be made by a Forest Settlement Officer, should be forwarded through the Divisional Forest Officer to the Conservator of Forests by the Forest Settlement Officer immediately upon the award being made. (G. R. No. 2988, dated 9th April 1884 and G. R. No. 278, dated 13th January 1890.)

31. Conservators of Forests are authorized to employ District Government Pleaders generally for the purposes of appeals against the orders of Forest Settlement Officers whenever such appeals are preferred. The Conservators should instruct the District Government Pleaders as to the grounds on which their appeals are to be based. (G. R. No. 1048, dated 4th February 1884.)

32. In the enquiry into all important claims on which the Forest Settlement Officer will pass orders under Sections 10, 11, 14 or 15 of the Forest Act, or in regard to which an appeal is preferred under Section 16, the Forest Officers who are responsible that the interests of Government are adequately represented, should apply under the standing rules for the advice and assistance of the Legal Remembrancer, who will make proposals to engage Counsel as he may think necessary. The Collector, who is deputed to hear appeals under Section 16, should not, of course, take part in these proceedings. The Forest Settlement Officer, who exercises in these enquiries the powers of a Civil Court, cannot with propriety take part in communications relating to the evidence to be collected for the defence. Any decision of the executive Government against the

admission of forest rights is simply a statement of the position which Government propose to defend if it is assailed in the Forest Settlement Officer's Court, and is in no way intended as an instruction to the Forest Settlement Officer in his judicial capacity. This should be obvious, but the matter is plainly stated here because it has sometimes been misunderstood. (G. R. No. 7829, dated 26th September 1885.)

33. Section 16 of the Forest Act gives "right of appeal within three months from the date of the orders passed," and it follows that after that period there is no right of appeal against the awards of Forest Settlement Officers. (L. R., No. 765, dated 5th June 1884; *vide* G. R. No. 4882, dated 18th idem.)

34. Section 17 of the Forest Act empowers Government to revise an appellate order when an appeal has been made under Section 16. But when no such appeal is made, Government have no power to revise the order of the Forest Settlement Officer; nor is Government vested with authority to quash proceedings and direct a fresh inquiry. (L. R., No. 643, dated 20th May 1886; *vide* G. R. No. 4090, dated 9th June 1886, and G. R. No. 3027, dated 14th May 1887.)

35. The settlements and demarcations of forests already sanctioned by Government were made by the Forest Settlement Officers concerned after careful local inquiry into, and due consideration of the requirements of the Forest Department and of the cultivators, and were complete and ample; they must, therefore, be regarded as final, and the energies of the Forest Department should be directed to the improvement or creation of forests on the lands placed under its control in place of seeking fresh accessions of land which cannot be granted in tálukas where a final forest settlement has been effected.

Demarcation includes lands not yet acquired for forests, but which are to be acquired as opportunity offers, and the demarcated area is understood to include all the land which it is desirable to include in forests.—The demarcation once made should be final and no other policy is expedient. Even where the demarcation settlement has not been made, orders on applications to take up waste lands for cultivation should be passed without delay and not indefinitely postponed. (G. R. No. 1056, dated 8th February 1883.)

36. The Forest Settlement Officer can only enquire into and determine the existence, nature and extent of rights in or over the land or actual forest produce, and has no jurisdiction as to a right to the *proceeds* of forest produce. (L. R. No. 1265, dated 24th November 1888; *vide* G. R. No. 8598, dated 24th December 1888.)

37. The following opinion No. 506, dated 4th May 1888, was recorded by the Remembrancer of Legal Affairs :—

"The Collector has confirmed the Forest Settlement Officer's decision, in so far as it related to the award to the lessee, under Section 11 of the Forest Act, of three articles of forest produce. The Conservator asks Government, under Section 21 of the Act, to rescind the Collector's order and require him to try the appeal over again and, in his new decision, to comply with the provisions of the Act, which prescribes that the extent of admitted rights shall be clearly defined.

"Section 17 of the Forest Act enacts that the decision of the appellate officer shall be final, subject only to revision by the Local Government. Section 21 prescribes the revisional power of Government. It says that Government may 'rescind or modify any order made under Sections 14 or 17, and direct that any one of the proceedings specified in Section 14 be taken in lieu of any other of such proceedings, or that the rights admitted under Section 11 be commuted under Section 15.' If, therefore, Government think fit to modify the Collector's order under Section 17, they are limited, in doing so, to directing either,

"(1) that some other course than that ordered by the Collector under Section 14 of the Act be taken, or,

"(2) that the admitted rights, or some of them, be commuted under Section 15.

"It is not open to Government, I think, to pass such an order as the Conservator suggests; and as no order has been made by the Collector or the Forest Settlement Officer in respect of the admitted rights in question under Section 14, none can be made by Government. It is, in my opinion, only possible for Government, if they think fit, now to direct that the admitted rights be commuted under Section 15 of the Act."

(G. R. No. 4149, dated 25th June 1888.)

38. The following further opinion, No. 1363, dated 24th December 1888, was recorded by the Remembrancer of Legal Affairs :—

"The Conservator, N.C., takes exception to the construction put by the Honourable Mr. Naylor, in his No. 506 of 4th May 1888, on Section 21 of the Forest Act VII of 1878.

"The Honourable Mr. Naylor pointed out that the revisional power of Government is limited by that section to the substitution of any one of the arrangements which a Forest Settlement Officer has power to make under Section 14 of the Act for any arrangement actually adopted by such officer.

"The Conservator appears to argue that Section 21 must extend to the revision of the order admitting or rejecting the claim, because it gives the Local Government power to revise an order under Section 17, which is silent as to commutative arrangements.

"This argument, however, seems untenable. An appeal may be made under Section 16 from any order under Section 14, and, therefore, includes commutative arrangements, and such an appeal must be dealt with under Section 17 and the order on appeal is subject only to revision. The Conservator is mistaken, therefore, in thinking that the Collecter, as appellate Court, has nothing to do with an order under Section 14. Sections 16 and 17 require him to deal with an appeal against an order passed under Section 14, and his order thereon is liable to revision only.

"The revisional powers of the Local Government are not defined, but only referred to, in Section 17. No pro-

vision is made in that section as to when they are to be exercised. The only provision as to the exercise of those revisional powers is to be found in Section 21, and it is clear from Section 21 and the intervening Sections 18 and 19, that so far as the admission or rejection of a right claimed is concerned, the decision of the appellate Court under Section 17 is final. For Section 18 provides for the appearance on behalf of the Local Government, as a party interested, at the enquiry and appeal, and Section 19 provides for a notification issuing on the decision of the appellate Court, or on the period allowed for appeal expiring without appeal made. It is, therefore, clear

(*a*) that the time for the Local Government to prefer their claims is when the enquiry or the appeal is proceeding,

(*b*) that the decision on appeal, or on the expiry of the period allowed without an appeal, the rights are taken to be so definitively settled that the Government are empowered to act on the decision as to them by issuing the final notification.

"I would note that it is most improbable that the Legislature intended that Government after appearing as a party in the proceedings and after acting on the decision as a binding one, should then assume judicial functions in the very same matter and should exercise them at any time within five years.

"Section 21 clearly refers to executive or administrative orders only, and as there is no other section defining their powers in revision, those powers must be strictly limited by Section 21. The words governing the whole section are 'The Local Government may revise *any arrangement*,' and it is *only 'for that purpose'* that Government may rescind an order under Section 14 or Section 17. *Expressio unius est exclusio alterius*, and Government cannot, therefore, set aside an order under Section 11 as to the existence of a right claimed. They can only deal with the arrangements made under Section 14 as confirmed or modified by the appellate Court under Section 17 as to the manner in which the rights are to be exercised or commuted. The latter part of the section clearly restricts the power of the Local Government in rescinding or modifying an order under Section 14 or 17 to the selection of commutative *arrangements*.

"It is very possible the original or the appellate Court may err in admitting or rejecting a claim, and an error may have occurred in the present instance. But when the Legislature has appointed the forum, it is not open to one of the parties interested, if dissatisfied with the decision, to assume appellate powers not conferred by law. Under Section 17, the order of the appellate Court is final except so far as the Local Government may revise it under Section 21, and neither Government nor the claimant has any further right of appeal. Government are not more helpless to prevent the alienation of public property in this instance than in any other which comes before a judicial tribunal. They have a right to be heard by the tribunals constituted by law, and the Legislature evidently never intended to empower them to re-adjudicate on their own rights.

"No doubt Section 13 requires the Forest Settlement Officer to record the extent to which a claim is admitted, and for this purpose the quantity of timber or other forest produce which the claimant is from time to time authorized to take or receive must be specified, and the record must also show whether such timber or other forest produce may be sold or bartered. But *certum est quod certum reddi potest*, and Mr. Lawrence's decision, confirmed by Mr. Keyser, limits the right by a test as definite as arithmetic.

The claimant's right to wood is limited by the order which he is permitted by the Collector to take, and the power to take wood for sale is, I think, clearly excluded by the words 'for purely domestic purposes in the village.' The rights to fruit trees and brab trees are no less clearly defined under paragraphs 4 and 6 of Mr. Lawrence's decision, and Mr. Keyser, as appellate Court, has confirmed the decision on these points without qualification.

"The Conservator, N. C., in paragraph 14 of his letter leaves incomplete his quotation of Section 14.

"The Forest Settlement Officer may make arrangements under (*a*), (*b*) and (*c*) of Section 14, but is not bound to do so. All he is bound to do is, to 'pass such orders as will ensure the continued exercise of the rights admited.' This is to protect the interests of the claimant. The imperative '*shall*' at which Conservator's quotation stops short, refers only to the passing of those orders. The manner of effecting the object of those orders is discretional, and if the Local Government consider that better arrangements might be made by commuting the admitted rights, the law allows them 5 years to judge by the light of practical experience as to the best way in which such arrangements may be effected.

"It is very possible that the orders of the Settlement Officer as confirmed by the appellate Court, may not have provided for the continued exercise of the rights admitted, in such a way as to provide adequately for the maintenance of the reserved forest, and it is here that the revisional power of the Local Government may legally be exercised, who may proceed under (*a*), (*b*) or (*c*) of Section 14, or under Section 15 may commute the claimants' rights by a money payment or a grant of land, or in any other manner they may think fit."

(G. R. No. 957, dated 6th February 1889.)

39. The forest register should contain an accurate statement of all rights and privileges. It should be prepared and signed by the Forest Settlement Officer after the work of settlement and demarcation is completed. (G. R. No. 3263, dated 7th June 1881.)

40. The Government of India have no intention of prescribing any particular form of register of claims to lands or rights to forest produce in proposed reserved forests, the matter being left to the discretion of the Local Governments and Administrations concerned. The Government of India desires to observe, however, that the essential feature in any register of the kind must be that it subserves the purpose in view and contains in an easily accessible and comprehensive form all the really necessary information regarding the settlement of rights in a reserve, so that it may serve as a convenient index to the mass of papers bearing on the settlement of any particular forest reserve. (G. I., R. & A., Nos. 458-F. and 8-F., dated 27th and 16th May 1887; *vide* G. Rs. Nos. 4259 and 4285, respectively dated 8th and 9th July 1887.)

41. In effecting settlements when no rights are admitted, an entry to that effect should be made in the forest register. (G. R. No. 7232, dated 12th September 1892.)

42. The papers of a forest settlement when placed before Government should comprise—

(1) a list of already notified reserves as they are to be retained permanently;

(2) a list of notified reserved lands which it is proposed to exclude from reserves, with reasons in detail, and the views of the District Forest Officer;

(3) a list of new lands which it is proposed to constitute reserved forest (to be notified under Section 4), with reasons;

(4) a list of lands, if any, which it is proposed to make protected forest under Section 28; perhaps also

(5) a list of occupied lands which it is desirable to acquire for forests; and

(6) a record of rights awarded in reserves.

Where the work of forest settlement is to be done by a young officer of two or three years' service, and especially when there has been previous discussion, the Collector may secure a great economy of time and labour by laying down a general plan after consulting with the District Forest Officer before the Settlement Officer begins his work, and indicating on the map in what localities the notified forests chiefly seem to require enlargement, reduction, or consolidation. He might also, with excellent effect, supervise and direct his Assistant's forest work and assure himself that his proceedings are guided by right principles and recorded in a clear and intelligible way. (G. R. No. 3245, dated 6th June 1881.)

43. It is desirable, as a general rule, that a demarcation report should also be a settlement report, and still more desirable that when proposals for the forest demarcation of a táluka are submitted, they should at least be accompanied by a full statement of the nature and extent of the forest privileges of which the grant is advocated. In cases where the combination of a report on the settlement with a report on the demarcation would materially delay the submission of a report for a táluka, the demarcation report should be supplied separately, but in such instances the report on the demarcation should clearly state the forest privileges recommended to be given. (G. Rs. Nos. 3892, dated 14th May 1885, and 5007, dated 19th June 1885.)

44. The following instructions to Forest Settlement Officers, Commissioners, Collectors, Assistant Collectors, and Forest Officers have been laid down by Government:—

"No precise instructions having been issued as to the form in which proposals for the demarcation and settlement of forests should be placed before Government, the reports of the Forest Settlement Officers are not uniform and are often less complete than is desirable. Government should be in possession of all relevant facts needed for a decision

whether both the interests of agriculture and the requirements of forest conservancy have been adequately regarded, and if these facts are carefully collected and arranged before the Collectors, Commissioners and Conservators form their conclusions upon them, there will be a greater probability that the Revenue and Forest Officers will be able to submit to Government a scheme on which they are all substantially agreed.

"2. Such a scheme should comprise facts and proposals under the following heads :—

Demarcation of the area naturally suited for reservation as reserved or as protected forest; proposals for alternate closure and opening for grazing and other uses; estimate of the number of cattle for which grazing can be provided; months in which grazing is to be available; probable amount of supply of cut grass from closed reserves; history of previous uses of all land enclosed in forests under heads of 'old reserves,' free pasture, assessed and unassessed waste; review of live stock of táluka and purposes for which it is used, *i.e.*, for the agriculturists' personal uses or for profit; grazing resources of each village which has contributed land to forest; demand of each such village for grazing in forests; opinions as to proportion of free grazing and grazing on fee, regard being had to the general regulations on the subject; what animals (sheep, goats, camels) are to be excluded; what privileges other than grazing are recommended; what rights are claimed and admitted. Proposals for disforestment.

"3. The division of labour among the officers concerned in framing the settlement proposals, and the heads under which their several tasks would fall, may be thus suggested :—

Part I.—The Forest Settlement Officer submits his demarcation proposals, stating the area to be constituted and maintained as reserved and protected forest. He works in consultation with the Revenue and Forest Officers of the district, is bound to have careful regard to their criticisms on behalf of the interests they represent respectively, and is expected to submit proposals which are either unanimously approved or contain full elucidation of any conflict of opinions.

Part II.—The submission of a provisional scheme by the Divisional Forest Officer and Conservator with illustrative map, for the utilization of the demarcated area, general plan of working, proportion and rotation of closed area where plantation and sowing will take place, stating time when it is likely to be taken up for forest uses, extent and locality of grazing land, capacity (estimated in acres per head) of the grazing land to admit cattle. The proposals should as far as possible have the concurrence of the Revenue Officers and should be submitted by the Forest Settlement Officer as Part II of his record.

Parts I and II having dealt with the disposition and capacity of the forest area, Part III will deal with the popular requirements for its use.

The data will be worked out by the Forest Settlement Officer and Revenue Officers conjointly. But their duties may be thus distributed.

Part III.—The Forest Settlement Officer will supply *—

(*a*) The facts as to user for grazing and other forest produce as existing before his demarcation, and his proceedings under the Forest Act respecting all the land included in the forest area. He should particularly note the area of 'old reserves' included in the demarcated area, the density of forest in the old reserves, and state from what date these reserves have existed as such, and what has been the practice as to grazing or other privileges in them.

†(*b*) Statement by villages of gáirán, gurcharan or other free pasture (set apart under Section 33, Land Revenue Code, or otherwise) included in demarcated area.

†(*c*) Statement by villages of unoccupied waste, assessed and unassessed, and of grazing land previously sold annually by Collector now included in demarcated area and of proceeds of such sale.

†(*d*) Statement by villages of any other grazing or cultivated land previously outside but now included in demarcated area, *e.g.*, occupied land bought or acquired by exchange.

The Revenue Officers will supply particulars of—

(1) The local practice as to cattle keeping for—

(*a*) the plough,

(*b*) dairy produce,

(*c*) breeding for sale;

also as to sheep and goats.

Whether the plough cattle are grazed on forest areas or stall-fed. If the former, in what months forest grazing is demanded and in what months the cattle are at home. If the latter, whether the plough cattle cannot be stall-fed by grass cut and taken from closed reserves. Whether sheep, goats and camels cannot be fed outside forest area.

(2) For each village contributing land to forests—

(*A*) The amount of grazing land in village limits not taken into forests; position of each village as to extension of cultivation:

* *Note.*—By Government Resolution No. 2559, dated 2nd April 1886, and 4160, dated 10th June 1886, a form of village statistical statement to accompany Forest Settlement Reports has been prescribed.

† (*b*), (*c*) and (*d*) may conveniently be united in one statement, together with statistics of population, number of cattle, total area, area under cultivation, unoccupied waste, assessed and unassessed, left after demarcation.

suggestions as to future use of such grazing land as free pasture or to be sold annually by auction; quality and—where assessed—average assessment of this land.

*(*B*) Statement for each village of village cattle—

(*a*) for plough tested by cultivated area,

(*b*) for supply of milk, &c., to owners,

(*c*) for trade and profit,

(*d*) useless.

(*C*) Analysis for each village of all grazing resources outside of forests and calculation of number of cattle which—

(*a*) can be provided with grazing in the village outside forests,

(*b*) can be stall-fed on grass cut in forest,

(*c*) must have grazing provided in forests, of which—

(i) how many for plough and supply of milk, &c., to owners,

(ii) how many for trade and profit.

(3) Average acreage given out for cultivation during the last ten years.

"4. It is not intended that on these satistics exact rules should be formulated by Government for the limitation of cattle to be admitted to graze in forests, as that is a matter which should be left to local arrangement according to circumstances. The facts will enable Government to judge of the nature of the requirements of each case and the reasonableness of the scheme submitted, and they will also furnish the local Revenue and Forest Officers with a guide in shaping correctly the local regulations as to the opening of forest areas for grazing and the levy of fees.

"5. His Excellency in Council desires to repeat that the only satisfactory forest settlement scheme is that which after full consideration of all interests is unanimously recommended by both the Departments with a clear demonstration that it adequately provides for the wants of agriculture as well as for judicious and beneficial forest conservancy."

(G. R. No. 7677, dated 22nd September 1885.)

45. The persual of various Forest Settlement Reports has led Government to the conclusion that it is advisable to modify the latter part of paragraph 3 of Government Circular No. 7677, dated 22nd September 1885, and it is, therefore, directed that in future Forest Settlement Reports the whole of Part III should be prepared by the Forest Settlement Officer. (G. R. No. 2480, dated 24th April 1888.)

* *Note.*—In passing orders on the Forest Settlement and Demarcation Report of the Dhulia Táluka of the Khándesh District, Government in their Resolution No. 9620 of 20th December 1889 directed that the statement prescribed under Part III—2 (*B*) should be omitted in future from Forest Settlement Reports.

46. As a rule, all Forest Settlement and Demarcation Reports should contain the information called for in Government Circular No. 7677 of September 22nd, 1885, because without it a final and satisfactory decision is impossible. The preparation of the statistics should be commenced when a Forest Settlement Officer takes a táluka in hand and carried on *pari passu* with his work so as to avoid delay. The total of village cattle can be obtained easily from the village records.

A narrative about the old reserves should be given in a separate memorandum.

(G. R. No. 9154, dated 14th November 1885.)

47. The demarcation and settlement of a táluka are not completed without some lapse of time, affording opportunity for consulting all Departments concerned while the work is going on. It is better that the Forest Settlement Officer should be influenced as may be proper by the opinion of the Revenue and Forest Officers while he is shaping his proposals, than that dissents, as sometimes happens, should be recorded on them when completed. The time occupied in his operation can be utilized for the concurrent preparation of statistics by the Revenue Officers. Demarcation precedes settlement, and the information required by the Revenue Officer before preparing the statistics under Part III (2) of Government Resolution No. 7677, dated 22nd September 1885, relates to demarcation only. He does not require the information to be given by the Forest Officer under Part II. (G. R. No. 10109, dated 17th December 1885.)

48 There is no objection to Part I (demarcation proposals) of the Forest Settlement Report being submitted first when a great saving of time will result. Nevertheless it is desirable, as a rule, that Part I should be accompanied by Part II (Provisional Scheme of Working the Forests). The object of Part II is to enable Government to judge what amount of accommodation for grazing can be provided in the area demarcated in Part I. The local requirements for grazing are shown in Part III. It is not reasonable that the Divisional Forest Officer should be unable to express any opinion as to the forest treatment of an area about to come under, or actually under, his charge as a reserve. A map illustrating the portions of the forest area which may be opened to grazing of cattle at one time, with an estimate of the capabilities in the matter of grazing of the open forest of each village, *i.e.*, a statement of the number of cattle that may be admitted without serious injury to tree growth, will supply all the required information under Part II as far as works are concerned; the map can show where artificial plantations are proposed to be made, and the portions of the closed forest which are to be treated for natural reproduction by protection against man and cattle assisted by broad-cast sowings of seeds and dibbling to be undertaken mainly by forest guards

where extensive blanks may occur within the forest boundaries. Further details, such as the present possibility of yield in timber and other forest produce and the increase in outturn which may be looked for in future, the portions of the forests to come under the axe in regular rotation with a defined scheme of fellings exhibiting the revolutions for different blocks, must stand over until valuation surveys can be made and a regular working scheme prepared. (G. R. No. 2246, dated 23rd March 1886.)

49. The information in respect of grazing grounds and cattle required to be submitted in the Settlement and Demarcation Reports by Government Resolution No. 7677, dated 22nd September 1885, is not necessary so far as the forests in Sind are concerned. There are not the same difficulties in respect of grazing requirements as exist in the Presidency Proper, and His Excellency in Council is pleased to make an exception in the case of Sind, and allow the Forest Settlement Reports to be submitted in accordance with the instructions contained in the Commissioner in Sind's subjoined special Circular No. 37, dated 25th April 1882:—

"1. As some doubts seem to exist as to the exact nature of the duties of Forest Settlement Officers appointed under Act VII of 1878 (The Indian Forest Act), or of the extent of enquiries to be made by them, the Commissioner in Sind is pleased to issue the following instructions.

Duties of a Forest Settlement Officer.

"2. As soon as an officer has been appointed (whether by name or as holding an office) to be Forest Settlement Officer, with respect to any specified lands which it is proposed to constitute a reserved forest, he should at once proceed to draw up in Sindhi a clear and carefully worded proclamation, stating plainly (1) the limits of the land which it is proposed to form into a reserved forest, (2) explaining (*a*) that once the land has been declared a reserved forest, it will be handed over to the Forest Department; (*b*) that, subject to the sanction of Government, the Forest Officer will have certain powers to stop rights of way and water-courses; (*c*) that certain acts (specifying the acts) are prohibited in a reserved forest (*vide* Section 25); (*d*) that the exercise of all rights to pasture or forest produce may be suspended by Government in the event of a fire being caused wilfully or by gross negligence in a reserved forest; (*e*) that cattle trespassing in a reserved forest shall be deemed to be cattle doing damage to a public plantation under the Cattle Trespass Act, 1871, and may be seized and impounded by a Forest Officer or Police Officer, and that Government may fix a special rate of fines for such trespass; and finally (and this is the most important point of all) (*f*) that any rights not claimed or proved before the Forest Settlement Officer, or of the existence of which no knowledge has been otherwise acquired by him, will be extinguished; (3) that all claims to rights, &c., must be presented to the Forest Settlement Officer within the period expressly mentioned and clearly set forth in this proclamation.

First to issue a proclamation in Sindhi,
(1) Specifying limits.
(2) Explaining consequences.

(3) Fixing period for enquiry into claims.

"3. The greatest care must be taken that this period is made clear and unmistakeable, and that the date of issuing the proclamation, and the date fixed in the proclamation as that within which the claims must be presented, are duly entered in the Forest Settlement Officer's procedure book to be kept as hereinafter provided.

"The Forest Officer should send copies of this proclamation into the villages to the Tápádárs through the Mukhtyárkar, who should acknowledge receipt, and report the date of the publication of the proclamation in every town and village in the neighbourhood of the land referred to. The Forest Settlement Officer should also take evidence for the purpose of satisfying himself that the proclamation was duly made, and should note the fact in the proceedings to the enquiry.

Publication of proclamation to be made through Mukhtyárkar and Tápádárs, the dates being reported.

Forest Settlement Officer to satisfy himself that the proclamation has been duly published.

"4. As to the nature of the enquiry to be held by the Settlement Officer, it should, the Commissioner considers, be as careful and as exhaustive as possible, so as to prevent all disputes or questions arising hereafter. What the Forest Settlement Officer has to do is to enquire into all rights, including—

Nature of enquiry.

To be held into all *rights* of every possible kind.

(1) rights claimed,

(2) rights existing or alleged to exist;

and for the purpose of enquiring into these rights, the Forest Settlement Officer has been invested with all the powers of a Civil Court in the trial of suits, and in conducting his enquiry he should proceed accordingly.

Forest Settlement Officer, a Civil Court.

"5. The Forest Settlement Officer, it must be repeated, has been empowered to enquire into every possible kind of right claimed or alleged to exist, but the Act expressly lays down how he is to deal with certain specified claims.

Procedure in certain specified cases.

I.—Rights, other than—
a right of way,
or right of pasture,
or right to forest produce,
or right to water-course,
how to be dealt with.

"I.—In the case of a claim to ownership of land (Section 10) the Forest Settlement Officer must pass an order, either

(1) admitting, or

(2) rejecting it;

if it is admitted, he must either (*a*) exclude it from the forest or (*b*) come to an agreement with the owner, or (*c*) acquire it. Before either of the last two courses is followed, it would, the Commissioner thinks, be best to consult the Forest Department, and unless they approve of the terms upon which it is proposed to obtain the land, whether by agreement or acquisition, the simplest course would be to follow the first course, *i.e.*, to exclude the lands, and let the Forest Department acquire them hereafter if necessary.

"II.—When the claim is to a right of pasture, or to forest produce, *i.e.*, to minerals, surface-soil, trees, timber, canes, reeds, honey, wax, skins, bones, horns, &c., (*vide* Section 2), the Forest Settlement Officer must either admit or reject them when passing the order, and must make a record, *so far as may be practicable*, giving certain particulars with reference to each person claiming the right or rights, and also certain particulars with regard to the land, &c., in respect of which such rights are claimed (*vide* Section 12).

II.—Claims to right of pasture or to forest produce.

Record of claims.

"If he admits a right of pasture, he must specify (1) the number and description of the cattle the claimant is entitled to graze in the forest; (2) the season during which such grazing is permitted; (3) or such other particulars as the case may require.

If right of pasture admitted, what particulars to be recorded.

"If he admits a right to forest produce, he must similarly specify (1) the quantity of timber, &c., the claimant is authorized to take or to receive; (2) or such other particulars as the case may require.

If right to forest produce admitted, what particulars to be recorded.

"6. Having completed this record, the Forest Settlement Officer may pass orders to ensure the continued exercise of the rights admitted by him (1) by either setting out another forest tract in which these rights may be exercised; (2) or by excluding forest land of sufficient extent to meet the purpose; (3) or simply by recording an order continuing the rights within such portions of the proposed forest as may be prescribed by Government.

What final orders may be passed.

"The latter course will probably be the one most frequently adopted by Settlement Officers in Sind; but the law gives them power to follow either of the two other courses, and in some cases of course it might be advisable to do so. In cases of doubt or difficulty there could be no objection to the Forest Settlement Officer consulting the Forest Department in the matter, more especially as his functions in this case resemble those of an arbitrator between the Department and the people.

"Similarly, the Forest Department should be consulted before any rights are commuted under Section 15, more especially as no rules have yet been prescribed by Government on this behalf.

Commutation of rights.

"7. Forest Settlement Officers must be careful to record the date of the final order with respect to every claim put forward, and should at once communicate the decision to the claimant, so as to enable him to present an appeal within the three months provided in Section 16 for an appeal from an order under Sections 10, 11, 14 and 15.

Dates of all final orders to be carefully recorded. Claimants to be informed of decision.

"8. The date of the disposal of the last claim made within the period fixed by the Forest Settlement Officer under Section 6, as well as the dates of the disposal of all appeals relating to any particular forest, and the date of the final acquisition of any land which the Forest Settlement Officer has determined to acquire, should all be carefully noted in the Forest Settlement Officer's procedure book relating to each forest. When all formalities have been completed, it is the duty of the Forest Settlement Officer to forward through the Collector (who should, before sending it on, consult the Forest Department) the final notification required by Section 19. The date of this final notification, as finally published in the *Government Gazette*, should be carefully entered in the Forest Settlement Officer's procedure book relating to enquiry into rights, &c., in the forest, and the book should then be closed and forwarded with all proceedings, &c., for record in the Collector's office.

Dates of completion of enquiries and disposal of appeals to be noted.

Similarly date of acquisition of any land by Forest Settlement Officer to be noted.

On publication of notification under Section 19, Forest Officer to close his procedure book and to forward it with all proceedings for record in the Collector's office.

"9. These orders, it will be observed, necessitate the keeping of a formal procedure book by each Forest Settlement Officer for each forest or block of forest land with regard to which he has been appointed Settlement Officer. The book should be kept in the form annexed. It is not intended to supersede the necessity for drawing up formal proceedings in the case of every claim put forward, but is merely intended to mark the chief points in the progress of the enquiry from its beginning to its end.

Procedure book how to be kept.

"The book should begin with a record of the date of appointment of the Forest Settlement Officer, and describing briefly all the intermediate stages of the enquiry from time to time, should conclude with the date of the final notification under Section 19.

Settlement Officer's enquiry can *begin* at once. Not necessary to await expiration of period fixed under Section 6, but it cannot *terminate* before that date.

"10. It must not be supposed that the issue of a proclamation under Section 6 precludes the Settlement Officer from at once instituting enquiries into any rights known or alleged to exist in or over any land notified under Section 4. On the contrary, there is nothing to prevent his at once endeavouring to obtain knowledge of the existence of *rights* as far as the same may be ascertainable from the records of Government, and the evidence of any persons likely to be acquainted with the same. He can also of course enquire into every claim as it is put forward or arises, and need not wait till all the claims have accumulated before entering on his enquiry.

Recommendations may be freely made in final report.

"11. When he has finally completed his enquiry into the existence, nature, and extent of the *rights* in any reserved forest, the Forest Settlement Officer may, in reporting the completion of his enquiry, make any suggestions or recommendations he may think proper as to the continuance or otherwise of any *privileges* or concessions, not amounting to rights which he considers the people in the neighbourhood of the forest have enjoyed, or should be allowed to enjoy. These recommendations should, however, be kept quite distinct from the judicial finding or decision as to *rights*, and should on no account be mixed up or confused with the Settlement Officer's formal proceedings under the Act.

"12. Recommendations of the nature referred to may be freely made, and cause for the continuance of privileges may be fully shown; but it must be borne in mind that these communications are extra-judicial and executive, and have no legal connection with the settlement; and must not, therefore, be included in the Settlement Officer's proceedings. No mention has been made in this memorandum of 'Protected Forests,' because it is not at present intended to constitute such forests in Sind.

"*Form of proceedings of Forest Settlement Officers.*
(*Vide para. 9 of the Circular.*)

Enquiry into the existence, nature, and extent of rights in the reserved forest of_____.

Appointed Forest Settlement Officer (date and page of Gazette).

Issued proclamation under Section 6 in the form annexed to proceedings—

(1) Specifying limits.

(2) Explaining consequences.

(3) Fixing period of enquiry.

(Here give date of issue, period of enquiry, and other particulars of interest).

Proceeded to visit forest (date) _____

Read correspondence on _____ records, regarding this forest (date, &c.)_____

Examined the Mukhtyárkar of_____as to rights of people in this forest, also Tápádár of_____and Jághirdár of_____ _ _ _ (*vide* proceedings) (date, &c.).

Received by post petition from * * claiming right of pasture in forest. Summoned him to appear and prove claim (date) * * * appears, examine him and two witnesses. Reject his claim (date)_____

Visit forest (date)_____

Receive petitions from * * * * * * * * * who appear in person. Examine them and their witnesses as to their alleged rights. Reject their claims to free pasture and forest produce. Admit their claims of right of way and to water. Visit forest and inspect right of way claimed (date)_____

The period fixed in my proclamation under Section 6 having expired, I proceed to finally dispose of all claims to rights in forest, and pass the following final order (here give substance of final order) (date).

Submit a report to Collector, together with draft notification under Section 19, for publication in the *Government Gazette*, together with certain recommendations. Notification under Section 19 published at page_____of the *Bombay Government Gazette*."

(G. R. No. 2186, dated 19th March 1886.)

50. In all maps sent with forest demarcation reports, the different village sites should be shown, so that their proximity to the proposed reserves might be seen at a glance. (G. R. No. 4584, dated 10th August 1876.)

51. The maps of the Topographical Survey should be made use of in forest settlement reports and the effect of the proposals indicated on them. (G. R. No. 8018, dated 10th October 1884.)

52. Government would be much assisted in dealing with schemes for the forest demarcation of such a táluka as Jámner and most of the Khándesh tálukas and other tracts in which are situated the head-waters of streams, if a report were furnished regarding the physical geography of the táluka showing precisely the land which should be forest, in pursuance of the principle that the head-waters of streams should be protected. The report would show what theoretically and from the point of view of scientific forestry the demarcation should be, and should give facts as to the flood in the streams which rise in the tract and the actual condition of the lands about the sources of the streams. It might best be prepared by the Forest Department and should be furnished to the Forest Demarcation Officer before he commences the demarcation. It will be for that officer to weigh what is stated in the report, bearing in mind at the same time the necessities of agriculture. Both interests must be consulted. (G. R. No. 2238, dated 22nd March 1886.)

53. When forest demarcation and settlement reports, involving proposals for the inclusion of lands in reserved forest, are submitted to Government, proposals should simultaneously be submitted for the classification of the area to be reserved into (*a*) Forest proper, (*b*) Pastures, and (*c*) Fodder Reserves, in accordance with the orders of the Government of India, circulated with Government Resolution No. 6840, dated 5th October 1891. The adoption of this course will, in the opinion of H. E. the Governor in Council, probably save trouble to the Collectors and Forest Officers. (G. R. No. 8579, dated 11th December 1891.)

54. The Governor in Council has frequently desired that the opinion of the Forest Officers should

be obtained in framing demarcation proposals. The Demarcation Officer should consult every local official concerned in forests or agriculture, and any differences of opinion should be placed before the Commissioner and Conservator, that, if possible, unanimity may be attained before proposals are submitted to Government. The excessive bulk and complexity of Forest Settlement Reports might thus be greatly reduced. (G. R. No. 8018, dated 10th October 1884.)

55. A Divisional Forest Officer should always have an opportunity of offering his observations concerning proposals made by a Forest Settlement Officer, and his remarks should be forwarded to Government with the other reports. (G. R. No. 1306, dated 12th February 1885.)

56. Any forest demarcation proposals prepared by the Conservator of Forests should be forwarded through the Collector and Commissioner, who will after such examination of them as they may deem necessary submit them to Government with their remarks. (G. R. No. 5646, dated 5th August 1889.)

57. All Forest Settlement and Demarcation Reports, with the remarks thereon of the officers concerned, should be submitted by the Commissioners to Government in print instead of in manuscript. The appendices to the reports may be submitted in manuscript.

On receipt from the Commissioner of the manuscript report, the Superintendent, Government Central Press, should, in each case, ascertain in the usual way the number of copies required for the use of Government.

The Commissioners will ascertain in each case the number of copies required by the Revenue and Forest Officers and communicate it to the Superintendent, Government Central Press.

(G. C. to the Divisional Commissioners, No. 3712, dated 1st June 1891.)

58. No forest settlement proposals can be satisfactorily and finally disposed of, until Government is fully satisfied as to whether the demarcation leaves sufficient land for such extension of agriculture as may be anticipated, and this information must not be omitted from any report. (G. R. No. 909, dated 4th February 1886.)

59. The areas of *beta* lands and those of ordinary protected forests should be shown separately in the Kánara Forest Settlement and Demarcation Reports. (G. R. No. 5102, dated 25th July 1891.)

60. *Forests proper* should be limited to areas which it is desirable to keep under scientific departmental management with a view *primarily* to the preservation or creation of timber or fuel growth. Outlying tracts which are not wanted for scientific development should not be included in forest proper, merely because they contain a certain quantity of

bush or tree-growth, which can be protected sufficiently for local needs by occasional closure and such simple measures of conservancy as are within the competence of the Land Revenue Department. Nor on the other hand is it necessary that patches in the middle of tracts generally suitable to be classed as forest proper should be thrown out because they happen to be comparatively bare. In the same way, promising plantations occurring in the midst of tracts generally classable as pasture may be left to be put under suitable management by the Collector without classifying them specially.

(2). In treeless districts the enormous importance of *creating* a growth of trees and bushes, for climatic reasons, to check denudation of the hill-sides by scour, to supply vegetable mould and soil and to meet local demands for building-materials, firewood, &c., must be fully borne in mind. His Excellency the Governor in Council is at the same time of opinion that if real and rapid progress towards the attainment of this object is to be made without an altogether disproportionate amount of friction and hardship, it must be by concentrating effort to begin with on a suitable number of comparatively small plots selected where the conditions are least unfavourable, and where careful artificial treatment can be applied with some chance of a tolerably quick response. These plots would serve as object lessons to the people and as centres of gradual development. To attempt to deal with tracts so large that the treatment is practically limited to keeping out cattle, more or less completely, and trusting to Nature to do the rest, is costly to Government, irritating to the people and, where the denudation has passed a certain limit, so slow in producing results as to be practically ineffectual. If this principle be followed, it is probable that a very large proportion of the land now supposed to be under reboisement in the Deccan districts may be classed for the present as pasture, and the forest establishments employed on it set free to deal effectually with a more manageable task.

(3). The class of *fodder and fuel reserves* will be practically limited to existing kurans and plantations, with possibly a few additions in places where they are wanted and the conditions are suitable. No land which does not produce grass of good quality of a head suitable for cutting should be reserved. Usually, of course, the quality of the grass will be estimated with reference to its suitability for *fodder*, the coarse descriptions which cattle will not eat being excluded. But where there is a special growth of any particular variety of grass or rush valuable, like munj grass in Sind, for other purposes, such as thatching, basket work, matting or tatties, which seems likely to disappear if not protected, it may be desirable to establish a reserve.

(4). *Pasture* should include all reserved land not taken under one of the other two heads.

(5). As regards management, the chief points for consideration should be—

(*a*) What measures for the preservation and improvement of the grazing in pasture are desirable and practicable, *i.e.*, what is to be the system of management, in a technical sense.

(*b*) By what agency can they be carried out, *i.e.*, what is to be the system of executive control.

(6). As to the first point, Government consider that a *general* annual closure, however short, is to be deprecated, though it may possibly be found indispensable in particular localities. A division of the land into blocks, to be entirely closed in such period of rotation as may afford the closed block the longest practicable interval for recovery, seems to be the best principle: provided that the blocks are subdivided and situated so that every village shall always, as far as possible, have an open block within easy reach. Rotation of closure may not, however, be equally practicable or necessary everywhere, and it may be advisable to supplement it by, or where it is not practicable, to substitute for it, precautions against over-grazing by restriction of the numbers of cattle admitted such as are contemplated in the grazing rules, or in such other shape as local conditions may suggest as most suitable. In the opinion of His Excellency the Governor in Council, it would be a good thing if it could be arranged to limit the recovery of fees for grazing as much as possible to areas where the grazing is worth paying for, leaving the rest free, instead of fixing them on the cattle, irrespective of where they go and what they get, and to substitute voluntary arrangements with the villagers where possible for restrictive rules.

(7). As to the second point, it seems possible that much of the work of collecting grazing fees might be done with less friction by the Kulkarnis and pátils than through forest subordinates, and it has been suggested that the services of the Mhárs, Jáglias, Bumias, Puggis, and other inferior village servants might be enlisted in the cause of checking cattle trsepasses by giving them a percentage on the pound fees, so that the forest staff might be spared for other more legitimate duties, except for the month or two when the fees are being collected. The suggestion seems worth considering. Care should, however, be taken that the interest given to these Mhárs and village servants is not such as might lead to their abetting or encouraging trespass in order to make something out of the pound fees. Much of the impounding is alleged as it is to be due to the wilful neglect of the Pátils and Kulkarnis to warn the people to take out passes and see that they are sent with the cattle into the forests, for fear of reducing their own share of the pound proceeds. But this difficulty might possibly be got over by giving the Pátil and Kulkarni a small percentage on the grazing fees, and a small payment

for the fee-passes where the system of management adopted involves the issue of such documents. The possibility of reducing establishments by spending a little money on hedging or fencing the chief points of access to closed tracts, should also be borne in mind. One man, with a little hedging to assist him where it is most needed, could do more than half-a-dozen without, and the annoyance of constant impounding would be lessened.

(8). The following extracts from a note prepared by Mr. Ribbentrop, Inspector-General of Forests to the Government of India, are quoted as suggesting points which may usefully be considered in dealing with the question of classification and management, without, however, regarding them as an accurate or authoritative expression of the views of Government:—

"11. * * In my opinion, each reserve should be studied separately, and the decision should, in each case, be based on the following considerations:—

(*a*) physical (including climatic);
(*b*) economic and agricultural;
(*c*) financial;
(*d*) political.

"12. The first (*a*) need be taken account of only when the area in question is of considerable extent, or occupies slopes the denudation of which would endanger lands lying below, or affects works of public utility, such as roads, railways, or tanks. In such cases these considerations may be of great importance, and an area selected for these reasons should be thoroughly protected, as little or no physical effect can be expected to be derived from an open scrub jungle. The area would, therefore, naturally be classed as forest.

"I have seen during my short tour several forests which I would unreservedly place for the above reasons in the category of forest proper, though I would recommend in such cases a treatment varying in strictness. A gradual and periodical closing would be advisable of the areas more favourably situated for the production of tree-growth. I would close others entirely, not merely to grazing but against grass-cutting as well, and for an indefinite period. As an example of a case where a radical course of the kind would be desirable I may cite the forest block south of the Phursangi Railway Station, on the Southern Marátha Railway and to the west of the line, but there are, I dare say, many other blocks of equal importance. The reserve in question occupies a steep slope which overhangs the railway for a considerable distance, and the drainage of which flows into the Nira Valley. A more unpromising area could hardly be found, but for this very reason its strictest protection is the more necessary. To insure the success of fire protection, a trace should be burned above the railway line; and in order to make closure against grazing more effectual, the most exposed boundaries should, I think, be fenced with barbed wire. I am of opinion that it would be of advantage if every Deccan forest division were furnished with 5 to 10 miles of barbed wire-fencing, to assist in the protection of areas closed entirely or periodically against cattle trespass, the prevention of which throws at present a great strain and much undeserved *onus* on the Forest Department.

"13. Considerations mentioned under (*b*) would, in most instances, show whether an area should be classed as a fuel and fodder reserve, or as pasture land. Thus, small scattered blocks of less than half a square mile in extent,

for instance, cannot possibly be of any special value as pasture-grounds, but may be of great importance as fodder-reserves, especially if favourably situated. The economic value of timber and fuel in a district particularly in want of these commodities, may also often decide whether an area is to be primarily maintained for the supply of such produce. For instance, an affirmative decision of the kind seems decidedly advisable as regards the valuable bábul reserves on the Bhima and other rivers.

"14. The reason given under (*c*) may frequently decide the question as regards area where other conditions are more or less equally balanced, as in the case of small bábul forests which, though of no importance for climatic reasons, may bring in a considerable revenue per acre. Considerations of the same kind might show that some of the very small isolated reserves should be entirely abandoned, in cases where expenditure on protection and treatment is equal to or exceeds the revenue, and where none of the other reasons demand the maintenance of such small forests.

"15. Political reasons (*d*) may in some cases outweigh all others in favour of some particular treatment and classification; but, in my opinion, undue weight should not be given to the existence of old habits and customs, which frequently change rapidly under the pressure of circumstances.

"16. If an area has been classed as forest proper, the aim should be to establish a complete leaf-canopy as soon as possible. In extreme cases all grazing should be excluded, and the whole or at least a considerable portion of the forest should be closed even to grass-cutting. Under any circumstances, grazing and grass-cutting should be so regulated that at least one-fourth to one-third of the area should be closed for a period of years, which should certainly not be less than ten.

"As a rough sketch for a plan of working the Deccan hill reserves, such as those which I have seen during my recent tour, I venture to submit the following proposals for consideration: that one-third of each block be closed both to grazing and grass-cutting; that this closed area be divided into ten compartments; that at the end of ten years one compartment should be thrown open (but not during the rains) to grazing or grass-cutting, as the case may be; and that a closed compartment of about the same area be added from the unclosed block, and so on. Thus forty years will have elapsed from the first closure until the compartment first opened is closed again, and by that time it will probably be possible to accompany the second closure by a slight improvement-felling.

"17. When an area has been classed as a fuel and fodder reserve, it should be closed against regular grazing, though even under a good system of management it may be thrown open to grazing from time to time, especially in years of scarcity after the grass crop has been reaped. To throw it open annually to cattle would tend to exhaust it; for when fodder is reaped, the grass is never very closely cut, and a considerable portion of what is left serves as manure for the next year's crop. Moreover, the cattle, if admitted annually, would attack the edible bushes, and the aim that the area should furnish a reserve of fodder in years of scarcity would be defeated.

"Grass-cutting in fuel and fodder reserves should be carried on with caution and under strict rules, so as to ensure the safety of ligneous growth. In this connection, I may mention that during my visit to the Bámburde reserved forests, I observed that the Commissariat contractor had used a mowing machine, the course of which was marked by stumps of young trees and plants, and that

in other places, also unsuited to the use of the machine, the tree-growth had been treated in a ruthless manner. This is highly objectionable; and though it may be advisable to place forest resources at the disposal of the Military Department, without showing the true financial aspect of the question, such a careless and destructive gathering of produce should not, I venture to think, be permitted.

"18. As regards the treatment of pastures, I have already recorded my opinion that the aim should be to grow annually as much and as good fodder as possible, and in order to effect this it is indispensable that both the number of cattle admitted and the season of grazing should be limited. This may not be the popular course to take, but it is common sense; and the system by which the largest amount of fodder can be produced should, as a rule, be adopted in spite of popular opposition. The question is one which increases in importance in proportion as the country is dependent on these sources of supply.

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"22. In conclusion, I venture to suggest the establishment of one or more teak forests below the ghâts, to be treated for the growth of large timber. For this purpose areas of not less than 5,000 acres in extent should be selected and set apart from the existing forests. They should be carefully fire-protected, and closed against grazing and grass-cutting of every description, and should from the outset be treated with the view of establishing high timber forests of teak. If the areas are carefully selected as regards soil, position and parent trees, I doubt whether it will be necessary to have recourse to artificial cultivation on a large scale, though it will of course be advisable to assist natural reproduction by clearing away brushwood, lightly breaking up the soil, and by dibbling in seed in prepared patches, or even to a certain extent by planting.

"It may also be advisable to procure every year, from Burma or Kánara, teak seed from full-grown and healthy seed-bearers; but on the whole, I think we may trust to natural reproduction, for it is a historical fact that some of the Malabár forests at one time contained the finest teak in the world."

(G. R. No. 6702, dated 15th September 1893.)

61. The work of demarcation is of primary importance—not more in the interest of the Forest Department than to protect the cultivators from the oppression and hardship they must necessarily be subjected to if the restrictions essential to forest conservancy are not limited to well-defined areas.

After selections of the numbers that are suitable for forest purposes have been made and final sanction accorded, the blocks are to be entered in the maps and recorded in the registers, copies of which should be kept in the offices of the Collectors and the Conservators.

(G. R. No. 3756, dated 6th August 1870.)

62. In all cases where land has been left for cultivation on the top of a hill, the slopes of which are reserved for forest, care should be taken to preserve right of way through the reserves for cultivators proceeding to their fields. (G. R. No. 1940, dated 26th March 1877.)

63. Surveys for the purpose of demarcating forests merely need not necessarily be made under the provisions of Chapters VIII to X of the Land

Revenue Code. Section 8 of the Indian Forest Act, 1878, empowers a Forest Settlement Officer 'to enter, by himself or any officer authorized by him for the purpose, upon any land and to survey, demarcate and make a map of the same'; and this appears to be quite sufficient for all the purposes of the Forest Act. Such survey and demarcation can, however, only take place after a notification declaring that it is proposed to constitute a reserved forest has been issued under Section 4 of the Forest Act. In such notification it is 'sufficient to describe the limits of the forest by roads, rivers, ridges or other well-known or readily intelligible boundaries' (*vide* explanation 1 to Section 4). In the notification finally declaring a forest reserved, to be issued under Section 19, the limits must be specified 'definitely, according to boundary-marks erected or otherwise.' (L. R. No. 358, dated 17th March 1883; *vide* G. R. No. 2813, dated 9th April 1883.)

64. It should be accepted as an instruction to Forest Settlement Officers that looking to the numerical weakness of the forest establishments in proportion to the areas under their charge, large additions to the forest area should be avoided, and new proposals should be strictly limited to what is absolutely necessary to complete the forest blocks. (G. R. No. 8400, dated 16th October 1885.)

65. To throw up river bank forest to attain symmetry of boundary or to provide a small additional area of land for cultivation is in the opinion of Government a mistaken policy. The splitting up of survey numbers should be most carefully avoided, except in cases where owing to the very large size of the number or any other very special cause such a course is found to be absolutely necessary. Resort should certainly not be had to it merely to secure straight and even boundary lines. (G. R. No. 641, dated 24th January 1889.)

66. When any demarcation has been finally sanctioned by Government, the Demarcation Officer should forward to the Revenue Survey Department through the Conservator of Forests the copy of the village map or maps on which he has laid down the boundaries of the land included in the forest reserves showing by a distinguishing colour whether the reserve is of the first or second class; and in cases where both classes of reserves may be represented on the same map, indicating the limits of each by their respective colours. The position of the forest boundary marks should also be entered in the map.

The map should be accompanied with a statement showing in a tabular form the survey numbers, areas, and assessment of such lands as have been included in the reserves.

On receipt of these papers, the Superintendent of Survey will make the necessary correction in the survey records, returning the demarcation map to the Conservator.

The Superintendent should, at the same time, furnish the Conservator with two fresh copies of the village map with the forest boundaries shown thereon.

The Superintendent should make the reduction of assessment appertaining to the lands taken up for the reserve, reporting the amount to the Commissioner in view to his issuing orders for its being deducted from the village accounts. (G. R. No. 7270, dated 11th December 1876.)

67. The *entire* record of a Forest Settlement and Demarcation Office, including original maps, proceedings, &c., should on the completion of the work be made over to the Collector and remain in his record-room. Copies of such of the maps and documents as the Commissioners consider are likely to prove useful to Forest and Revenue Officers, should be supplied to them.

The Commissioners can give the Collectors such general instructions as they think necessary under the above orders.

(G. Rs. Nos. 1265, dated 13th February 1891, and 2165, dated 24th March 1891.)

68. When the forest settlement of a táluka is completed, the list of lands to be excluded from forest limits should be carefully examined and all such lands should be at once taken over by the Revenue Department. (G. R. No. 5030, dated 16th June 1892.)

PART XIV—PRIVILEGES.

(*A*) *Ráb.*

1. The cultivators must undoubtedly have "ráb" and it will be the duty of the Forest Officers to make arrangements accordingly. If a sufficiency of "ráb" cannot be obtained from grass and fallen leaves, &c., the cultivators must be allowed, under proper supervision, to cut it in a portion of the Government forests.

The Forest Officers must take every precaution to guard against the *abuse* of this necessary concession. Access to the reserves should be permitted in rotation, one portion at a time being entirely closed. The question of the exact proportion to be so closed should, Government think, be left for settlement by the Conservator in communication with the District Officers.

(G. R. No. 1482, dated 18th March 1879.)

2. The practice of ráb cutting is incompatible with the treatment of forests for other purposes; and every effort must be made to reduce it to the narrowest limits, by insisting that wherever ráb lands have been granted outside the limits of State forests, they should be treated rationally for the purpose for which they were ceded, probably as coppice with a short rotation. The Government of India would suggest that fresh forest lands over which no ráb rights exist should not, save under most exceptional circumstances, be made over to ráb-cutting. (G. I., R. & A., No. 816-F., dated 5th August 1889; *vide* G. R. No. 6731, dated 9th September 1889.)

(*B*) *Kumri or Dalhi.*

1. Kumri cultivation is only possible where there is jungle: it is not feasible on land bare of trees and brushwood. It would be a mockery to make over to the villagers asking for land on which to grow crops and from which to derive their means of subsistence an expanse of rocky soil incapable of producing anything in the form of grain.

It is a well-known fact that kumri cultivation cannot be successfully, or indeed at all, carried on on the flat plateaux of hills or on level ground. His Excellency the Governor in Council is not prepared to entertain favourably proposals which, while seemingly placing a considerable extent of land at the disposal of the villagers for their support, would in reality fail to ameliorate their condition or to enable them to earn even a precarious livelihood by the rude mode of cultivation which is the only form of agriculture they know and of which the poor lands of these wild ghát villages are capable.

(G.R. No. 1867, dated 30th March 1881.)

2. It is essential that the dalhi mode of cultivation should only be carried on under efficient supervision and control, and that the injury resulting from it to forests should as far as possible be minimised.

(G. R. No. 2782, dated 28th April 1882.)

3. The following rules are to be observed for regulating the assignment of land for kumri cultivation in districts in which that mode of cultivation is practised:—

(1) The period of fallow should never be less than ten years after cultivation for two.

(2) Personal inspection should annually be made both by the Collector and the Assistant Collector with a view to ascertaining that the prescribed limits of the kumri assignment in each case have not been exceeded.

(3) Kumri assignments should never be allowed within 100 yards of streams running as late as December, and on the upper third of the slopes of hills. This rule is to be attended to as far as possible, but it is not to be rigidly adhered to, as in many cases it will not be possible to obtain land for kumri without breaking through such an order.

Government do not consider it advisable to leave the duty of inspection entirely in the hands of native subordinates or the officers of the Forest Department. Personal inspection by the Collector need not be insisted upon. It will suffice if the inspection is performed by his Assistants. An Assistant Collector in charge of a táluka can without any material difficulty or inconvenience manage to inspect every season the kumri assignment in a few of the comparatively limited number of villages within his charge in which kumri cultivation is carried on. Forest Officers, who are generally on the spot throughout the whole year, should co-operate with the Revenue Officials in preventing any infringement of rules on the part of the cultivators. The assignments of land for kumri when once made must be regarded as final and at each kumri settlement it should be clearly and distinctly laid down that the settlement is final and that no further land can be granted. (G. R. No. 5319, dated 9th August 1882.)

4. It is most necessary, in the interests both of the public generally and of the inhabitants of the particular villages concerned, that the area of land in which dalhi is permissible should be restricted within the narrowest possible limits, and that every effort should be made to induce the villagers to take to permanent cultivation in lieu of having resort to a method of growing crops which is rapidly destroying all timber and vegetation and converting the hill sides into masses of bare and barren rock. A continuance of the system under which villagers take plots for dalhi here, there and wherever they might please, would in a very short time longer render any dalhi cultivation impracticable, as all vegetation would be irretrievably destroyed. (G. R. No. 7344, dated 20th October 1882.)

5. The plan of combining kumri cultivation, where it cannot be avoided, with the propagation of *hirda* or other useful trees meets with the approval of this Government and the Government of India.

Care should be taken that no reason is given to the kumri cutters to suppose that they have any right in the trees planted by them. (G. I., H. D., No. 360-F., dated 28th April 1882; *vide* G. Rs. Nos. 3354, dated 22nd May 1882, and 5506, dated 15th August 1882.)

6. Land is not to be given for kumri on the plantation system without security for a proper return. (G. R. No. 2527, dated 26th April 1887.)

(C) Grazing.

1. No rigid rules can be laid down on the subject of the disposal of grass and grazing, and much latitude must be allowed to the Revenue and Forest Officers in dealing with local circumstances, but it is possible to state some general principles as those approved by Government. These are that sale by auction is appropriate in the case of certain tracts, and that in other tracts to which cattle are admitted to graze by Government officers in charge, the fee system is generally preferable to farming, with the proviso that a farm may sometimes be admissible as more convenient to the villagers when the farm is taken by the Pátil on what may be called the village system and on behalf of the village community and not by a speculative outsider for his own profit.

(2). The fee system is distinctly preferable to the old grazing auction system.

(3). But though it is desirable that the fee system should be generally introduced and made applicable to all village cattle and ordinarily to the cattle of graziers, it does not follow that it should be introduced throughout the entire area of the Government forests. In, for instance, valuable kurans and forest grass lands where it has been customary to sell the grass or grazing by auction annually, and the proceeds of such sales are considerable, the adoption of the fee system now is undesirable. All that is required is that in each forest village a certain amount of forest land should be opened yearly for the grazing of the village cattle on payment of fees. The grass and grazing on the remainder of the forest land should then be disposed of by the Forest Department in the manner which may to the officers of that Department appear to be most expedient and profitable.

(4). The area of the land to be opened for grazing for the village cattle on the fee system will depend upon the number of cattle for which pasturage is required and on the quantity of grazing available for them in the village occupied and waste lands not included in forest, and what the area in each village should be is a matter which must be left for the determination of the local Land Revenue and Forest Officers in consultation. It is not necessary that the same lands should always be open to grazing. A system of opening to grazing different blocks or portions of the forest area in rotation has its manifest advantages.

(5). Whilst it is obvious that the absolute closure to grazing for a portion of the year of a part of the unclosed forest area must be beneficial to the growth and the improvement of grass, as well as of the superior classes of vegetation, it is also clear that it would be to inflict hardship on the inhabitants of forest villages to close entirely even for a limited period the entire area of the Government forest. Sufficient should be left open to provide for the immediate requirements of the village cattle, but there would appear to be no objection to the temporary closure of the remainder of the land open for grazing under the fee system; the result would be a larger and better supply of grass in the latter part of the rains and in the cold season.

(6). Where, as in the old reserved forest and such kurans and grass lands as were notified in 1879 and are in charge of the Forest Department, it has been customary to prohibit all grazing between 1st May and 15th September, no change in the system is now called for. It may be pointed out that the privilege allowed to inhabitants of forest villages of cutting grass in the Government forests does not admit of their cutting grass for sale, but only authorizes them to cut it for their own use, and care should be taken to see that the concession is not abused and is limited to the securing of a supply sufficient for the wants of the number of cattle to be fed.

(G. R. No. 6144, dated 31st July 1884.)

2. Except in the case of any really valuable grass kurans where it has been customary to sell the grass and grazing by auction, and they fetch a high price, the practice of annual auction should be discontinued. (G. R. No. 7167, dated 18th September 1885.)

3. In respect of valuable kurans, *i.e.*, of forest reserves set aside to meet the fodder and grazing wants of large centres of population, the former practice of selling the areas by auction and the orders concerning their disposal are not affected by the rules in Government Resolution No. 3595, dated 23rd May 1890. (G. R. No. 1379, and 23rd June 1890.)

4. The fact must be recognized that in some districts and in some forest tracts it is essential to provide a certain amount of grazing for a certain number of cattle in the Government forests. Where no grazing rights exist, where the privilege of grazing in the forests has not been enjoyed, and where there is a plentiful supply of grazing available outside the Government forests, either on occupied land or on unassessed waste, there is no need to allow of the pasturing of cattle inside the forests. Where on the other hand the interests of agriculture would seriously suffer and the welfare of the cultivators would be very prejudicially affected if all grazing in Government forests was strictly prohibited, there within certain defined limits and on certain fixed conditions grazing in the forests must be permitted. What should be those limits and what those condi-

tions, an efficient Collector who knows what the cultivators may in justice claim, what they can afford to pay, and what area can be opened to grazing without detriment to forest conservancy or injury to the future growth of grass and trees, can best determine in consultation with the local Forest Department Officer, a wide discretion being granted to the Commissioners. (G. R. No. 6303, dated 27th August 1889.)

5. It is the wish and intention of Government that grazing requirements shall be fully met from what are practically grazing grounds included in reserved forests. The best way to secure this is to direct that the grazing fees for both cattle and sheep shall be fixed by the Collector in consultation with the Divisional Forest Officer, the Commissioner deciding in cases of disagreement. These orders supersede previous orders on the same subject. The general policy of Government prescribing lenient treatment in dealing with matters of grazing, is laid down in paragraphs 2 to 5 of Government Resolution No. 650, dated 26th January 1891. (G. Rs. Nos. 5061, dated 24th July 1891, and 5341, dated 6th August 1891.)

6. There is no doubt but that the grazing of sheep in forest lands where the young tree growth has not attained to a height of several feet, must be to certain extent injurious to the trees, but the absolute prohibition of the grazing of sheep in all the forest area would probably ruin the sheep-farming industry. In tálukas, therefore, where sheep are bred or brought to graze, the forest should be worked on the block system, one compartment being absolutely closed in rotation for a definite specified period. Sheep should then not be allowed to enter the closed compartments, but may be permitted on payment of the prescribed fees to graze between September 15th and May 15th in the unclosed compartments. Where in the opinion of the Divisional Forest Officers the grazing of sheep can without risk of material injury to the forest growth be allowed in unclosed compartments between 15th May and 15th September, such grazing may be permitted in that season also. (G. R. No. 529, dated 19th January 1885.)

7. It is not necessary, however, to lay down absolutely that sheep are to be admitted to all unclosed areas between September 15th and May 15th. There is room for the exercise of judgment in this matter. But it is not one in which Government can pass detailed and specific orders. The general principle has been stated in Resolution No. 529, dated 19th January 1885. The Conservator may be able to point out cases where it is reasonable and expedient that exceptions should be made in the public interest. But in dealing with such cases it is fair that the sheep-breeding industry should be represented by the Collector and the practical measures which should be adopted will best be settled by the Revenue and Forest Officers in consultation.

Cases for exception will be those in which it is recognized that the admission of sheep to graze in a given area will cause injury to young trees or to grazing of cattle out of proportion to the benefit obtained by the sheep-graziers. (G. R. No. 3442, dated 29th April 1885.)

8. The question of dealing with goat and sheep-grazing, at any rate on State lands, and of confining it to areas where the least harm would result, should receive the practical consideration of Local Governments and Administrations. The grazing of these animals, especially of goats, is incompatible with rational forestry, or even with the preservation of the ordinary bushes and trees of the country; and the areas to be devoted to the growth of forests must be separated from those to be sacrificed to the pasture of browsing animals. The circumstances affecting the separation in question, however, vary so much in accordance with climatic conditions, that the question should be considered in each locality on its own merits, due weight being given, in each case, to the capabilities of the land, and to the advantages of sylvicultural treatment on the one hand and of pasture on the other. (G. I., R. & A., No. 21-F., dated 12th July 1889; *vide* G. R. No. 6487, dated 3rd September 1889.)

When for the proper reboisement of forest areas such a course is demanded, all sheep and goats should be absolutely excluded from those areas. Orders as to the areas thus to be closed to sheep and goats should be issued by the Collectors with the sanction of the Commissioners after consulting the Conservators of Forests. In cases where the Collector and the Conservator of Forests hold divergent views as to the areas so to be closed and are unable to come to an agreement, the question should be left with the Commissioner without reference to Government.

Wandering shepherds moving about from place to place with their flocks should be treated as professional graziers, and when their flocks are admitted to graze in the forests, special rules for the regulation of such grazing should be made and enforced, and a higher rate of fee than that levied for sheep, the property of local owners admitted into the forests of their own village, should be charged. (G. Rs. Nos. 6487, dated 3rd September 1889, and No. 8166, dated 26th October 1889.)

9. The following Circular (No. 2237, dated 30th June 1886) issued by the Commissioner in Sind for regulating the levy of grazing fees in forest areas in Sind was approved by Government with the proviso that the Revenue Officers must sanction the fees :—

"As the fees now levied for grazing in reserved forests are not found suitable for all such forest areas, especially for some situated at a distance from the river Indus, the Commissioner in Sind after consulting the Collectors, Deputy Commissioners and the Conservator of Forests in Sind, has fixed the following *maximum* and *minimum* rates as those to be levied in future :—

	Maximum.		Minimum.	
	Rates per month for			
	Full grown.	Young.		
Camels	4 annas each.	2 annas each.	4 annas each.	Young animals under 2 years free.
Buffaloes	3 „ „	1½ „ „	1 anna „	
Cows and Bullocks ...	1½ „ „	9 pies „	3 pies „	
Horses	1½ „ „	9 „ „	3 „ „	
Donkeys	1 annn „	6 „ „	3 „ „	
Sheep and Goats ...	3 pies „	Nil.	1 „ „	Lambs and kids six months old and under free.

2. Rates within the above may be fixed by the Conservator of Forests in communication with the Collectors and Deputy Commissioners, and such rates should then be published in the neighbourhood of the forest areas and levied.

3. Should, for any special reason, it be considered right by the Collector and Conservator of Forests that higher rates than those fixed above should be charged, a report should be made to the Commissioner in Sind, explaining details and recommending other rates, when orders will be issued by the Commissioner."

(G. R. No. 7277, dated 13th October 1886.)

10. The following revised rules for the regulation of grazing in Government forest areas in all the districts of the Presidency Proper, except in Kánara, have been issued for general guidance :—

I.—A forest block will henceforth be divided into two portions only, *viz.*, (1) "the open" and (2) "the closed."

II.—The term gáirán in connection with a reserved or protected forest will cease to apply.

III.—Grazing will be permitted *in the unclosed portion*, which will be open both to cattle allowed free grazing and to other cattle in respect of which payment has to be made for grazing.

IV.—Villages which have contributed gáirán to the formation of a forest block are to be allowed free grazing in the open forest of that forest block, *for all their agricultural cattle.*

V.—Villages which have contributed no gáirán to forests will pay fees for all their cattle admitted into the forests to graze.

VI.—The term "agricultural cattle" shall be held to comprise cattle used solely for purposes of cultivation in the village, whether for ploughing or for drawing water for irrigating garden land.

VII.—Village officers will prepare a census of all the cattle in the village, and a statement of the full amount of the fees to which they

would be liable for grazing, assuming that none of them could, under the privilege accorded, claim free grazing.

VIII.—The fees leviable *on agricultural cattle* will then be remitted, in such villages where the cattle are entitled to free grazing under Rule IV, by the officer to whom the Collector may assign that duty, and the cattle in question will be admitted, upon free permits, into *the portion* of the forest block.

IX.—Adequate restrictions are to be imposed upon the number of cattle to be permitted to graze in the unclosed portion of each forest block; that number must be limited to the cattle for which the open area can furnish sufficient grazing, and no cattle, in excess of that number, should be admitted to graze. In determining the number, it must be considered how many cattle the open portion of the forest block can, *properly*, feed, without injury to—

(*a*) the cattle,
(*b*) the pasturage,
(*c*) the forest itself.

X.—The Revenue and Forest Officers will determine the number of cattle which can, with safety, be admitted into the open portions of a forest block.

XI.—The demands for the admission of cattle into a forest block to graze will be satisfied in the following order:—

1. Cattle entitled to free grazing.
2. Other village cattle belonging to cultivators.
3. Cattle the property of resident professional graziers and others.
4. Outside cattle.

XII.—The fees to be levied upon village cattle belonging to cultivators shall be—

	Rs.	a.	p.
For every buffalo ...	0	8	0
For every cow, ox, horse, mule or donkey ...	0	4	0
Sucking animals ...	free.		
For every sheep... ...	0	1	0
For every goat	0	2	0

The Revenue and Forest Officers shall decide whether or not sheep are to be admitted to graze in an open forest block.

Goats will only be admitted when accompanying flocks of sheep, but only in the proportion of 1 goat to every 50 sheep.

Should the villagers prefer to pay a consolidated fee for grazing all their cattle (sheep and goats excepted), whether privileged or not, the Revenue Officers shall meet their wishes, subject to the sanction of the Commissioner of the Division, who will determine the proportionate reduction of the fees.

XIII.—Forest Officers in protective charge of forest blocks shall require the village officers to muster all the village cattle in the village, in

the early morning once a month, or oftener should the need arise, to compare the cattle census with the permits issued.

XIV.—Double the rate of fees prescribed in Rule XII shall be levied in the case of cattle the property of resident professional graziers and others.

XV.—The Forest Officers shall determine the rate of fees to be levied on outside cattle which shall not be lower than that for resident professional graziers and others.

XVI.—Village officers will issue permits and collect the fees in respect of—

(1) Cattle belonging to village cultivators subject to the payment of a fee, the permits for which shall be printed on *yellow* paper.

(2) Cattle of resident professional graziers and others, for which the permits shall be printed on *green* paper.

They will also issue the permits for free cattle: such permits shall be printed on *white* paper.

XVII.—Forest Officers will issue permits and collect the fees for outside cattle the permits for which shall be printed on *red* paper.

XVIII.—A herdsman shall be in charge of every lot of not more than 50 head of cattle; his name shall be registered by the Village and Forest Officers; he shall wear a distinguishing badge of office; he shall be responsible that the grazing rules are observed in respect of the cattle in his charge and that no unauthorized cattle enter the grazing area open to his cattle, and he shall carry with him in the forest the grazing permits for his cattle.

Note.—The badge to be worn by the herdsmen will be a leathern belt with a brass buckle, which will be provided by the Forest Department.

XIX.—Camels, elephants and swine shall be prohibited absolutely from grazing inside a forest block.

XX.—The disposal of the grass in the closed portion of a forest block shall remain entirely in the hands of the Forest Officers, who may sell it for cutting and removal, or not, as to them may seem best.

XXI.—The following simple rules shall be printed on the back of each forest permit:—

(*a*) This permit must always be taken by the holder into the forest with his cattle.

(*b*) It must be shown on demand to any Village or Forest Officer.

(*c*) The holder must assist in the protection of the forest against fire and the cutting of ligneous vegetation.

(*d*) The holder must see that his cattle do not injure the boundary marks of the grazing area of the forest.

(*e*) The holder must not allow his cattle or other cattle to trespass into the closed portion of the forest

The term "holder" in this rule shall be held to mean the owner or his agent the herdsman.

XXII.—Village officers shall prepare a census of all the cattle in their respective villages distinguishing between agricultural and other cattle. As regards the former, a statement shall be framed showing—

(1) the name of the cultivator;

(2) the aggregate area of his holding or holdings;

(3) the number of plough bullocks or buffaloes used by the cultivator solely for cultivation in his holding or holdings;

(4) The number of wells or Persian wheels on his lands used for irrigation;

(5) the number of cattle solely employed on these wells or Persian wheels.

XXIII.—The Mámlatdár and the Assistant Collector shall compare the number of plough cattle returned with the area of the holding or holdings.

(G. R. No. 3595, dated 23rd May 1890.)

11. In Kánara grazing should be allowed over all protected forest excepting in such portions as may be closed from time to time by the Forest Officers, with the proviso that in small villages or areas more forest should not be closed at one time than would leave grazing open at the rate of 3 acres per head of cattle. A uniform fee of 2 annas per head should be levied on all cattle, whether plough bullocks or other animals, which are grazed in the forests, belonging to villagers resident in the district not being professional graziers. For cattle belonging to professional graziers, whether resident in Kánara or not, and those the property of persons not residing in the district but bringing their cattle there to graze, a uniform fee of one rupee per head should be levied. (G. Rs. Nos. 3595, dated 23rd May 1890, and 5652, dated 13th August 1890.)

12. If a person who holds land for cultivation in a forest village, but does not himself reside therein, has any cattle in the village which are employed to plough or to draw water for the irrigation of his land in the village, those cattle are entitled to free grazing in the forest block of that village. No other cattle belonging to him are entitled to the privilege. (G. R. No. 3617, dated 26th May 1890.)

13. Having regard to the extent and nature of the forests in Thána and the rainfall in that district, there is no objection to the privilege of free grazing being extended in that Collectorate to milch cattle and their calves, being the property of cultivators resident in forest villages, other than professional breeders and graziers, subject to the conditions specified in the grazing rules sanctioned by Government Resolution No. 3595, dated 23rd May 1890. (G. R. No. 5316, dated 29th July 1890.)

14. To admit to free grazing all the plough cattle or the animals entered as such in columns 20

and 21 of Village Form No. 13 would very possibly be to grant that privilege to a number of animals materially in excess of the number for which it could properly be claimed, even if bullocks used in the season for ploughing and drawing water and in the cultivator's idle months employed to draw carts on hire are deemed "agricultural cattle" and entitled to free grazing. It is notorious that in every village many old, worn-out, or useless bullocks are kept which are of no service to their owners and are not employed by them for any purpose but which they simply keep until they die of old age, disease, or starvation, leaving them to forage for themselves with the cows, calves and other village cattle and never stall-feeding them or providing them with food. The returns in Form V given in the Annual Reports of the Agricultural Department show that these useless animals must be included in columns 2 and 3 of those returns, which correspond with columns 20 and 21 of Village Form No. 13, as cattle actually used for plough work. The numbers given in columns 6 and 7 of those returns, which correspond with columns 24 and 25 of Village Form No. 13, are altogether insignificant when compared with the total numbers either of plough cattle, or of "all cattle," and clearly cannot include the old or worthless cattle. In the circumstances it is impossible to accept the proposal as it certainly is not desirable that free grazing should be provided for these useless animals as would be the case were they comprised under the head "plough cattle."

15. It is not seen why for the purposes of determining the number of agricultural cattle to be allowed free grazing there should be any insuperable, or indeed any serious, difficulty in ascertaining accurately for each village the number of cattle actually used for agricultural purposes, *i.e.*, for ploughing and drawing water. Such returns should be prepared for each village by the village officers, should then be checked by, first, the Mámlatdár and then the Assistant Collector, who would finally pass the list and inform the Divisional Forest Officer of the number of cattle in each village entitled to free grazing. This plan would obviate random estimates based either exclusively on proportion of cattle to tillage acreage or on the returns of plough cattle as given in the Village Forms, which clearly include animals not used for agricultural purposes and unserviceable as well as cattle employed *bonâ fide* for ploughing and drawing water. (G. R. No. 5600, dated 11th August 1890.)

16. The English term 'professional grazier' as used in the grazing rules and Government Resolutions connected with them is quite clear and needs no explanation. The definition given by the Forest Commission, *viz.*, 'all whose primary occupation is the keeping of cattle for profit,' expresses correctly the meaning of the term. (G. R. No. 8382, dated 25th October 1892.)

17. The rules about grazing sanctioned by Government Resolution No. 3595, dated 23rd May 1890, may be gradually introduced with the revision survey in the several tálukas of the Kolába District. This ruling may also be usefully followed in all other districts to which the rules apply. (G. Rs. Nos. 6381, dated 9th September 1890, and 4142, dated 17th June 1891.)

18. In imposing regulations which affect large numbers of persons and extensive areas of land it is inevitable that they will vary in effect according to the difference in local circumstances. It was, however, not intended that the grazing rules prescribed in Government Resolution No. 3595, dated 23rd May 1890, should be so unalterably rigid as to permit of no elasticity in the working of them. What Government expect of their officers is the acceptance of the orders and the application of the rules as time and circumstances admit. The Governor in Council is always prepared to give attention to the representations made by officers as concerns details, but as regards principles he must require the acceptance of those deliberately laid down by Government.

With reference to the difficulty experienced by some officers in deciding what the term "outside cattle" signifies, it would seem sufficient to define them as being cattle not comprised under the heads (1), (2) and (3) in Rule XI. The fees to be levied on 'outside cattle' will, as directed in Rule XV, be fixed by the Forest Department officers.

Government are now prepared to authorize the grant generally of the concession in respect of allowing free grazing to milch cattle, the *bonâ fide* property of agriculturists resident in forest villages, and kept by them to supply milk for their consumption, given in the case of the Thána District by Resolution No. 5316, dated 29th July 1890. (G. R. No. 8665, dated 5th December 1890.)

19. The same fees should be charged for the grazing of the Bombay Pinjrápole cattle in the Thána forests as for cultivators' cattle of non-forest villages. (G. R. No. 842, dated 31st January 1891.)

20. The Commissioners of Divisions are authorized to relax the revised grazing rules (sanctioned by Government Resolution No. 3595, dated 23rd May 1890) as regards the rates of grazing fees therein laid down if in any case they should find the rates higher than the people can well afford to pay. (G. C. No. 1050, dated 9th February 1891.)

Note.—The Commissioners of Divisions are authorized to exercise the same discretion in respect of all fees for forest produce leviable under special privilege rules sanctioned by Government which they use under the authority vested in them by the above order. (G. R. No. 2259, dated 28th March 1893.)

21. As it is understood that some doubts have arisen as to the category in which cultivators' cattle of non-forest villages should be placed under the

revised grazing rules of 23rd May 1890, the Commissioners are informed that it is the intention of Government that they should be included in the class mentioned in Rule XI (2), *viz.* 'other village cattle belonging to cultivators,' and that grazing fees in respect of such cattle should be levied accordingly. (G. C. No. 1059, dated 9th February 1891.)

22. It is the wish of the Government of India and of this Government that there should be as little official interference as possible with the management of the pasture areas. Now the majority of officers consulted are in favour of the Kánara system of levying an uniform fee, and it is reported that, except in the Poona District and in the Peint Táluka and apparently also in the privileged villages of Khándesh, the people are not averse to it. Mr. Cumine prefers voluntary arrangements with the villagers as a body, and this system is admissible under the existing rules. It appears to the Governor in Council that in practice these two systems will work almost uniformly, for on the one hand the lump sum must be fixed with reference to the number of cattle in the village and on the other it may be assumed that every owner will be willing to pay an exceedingly small fee for the grazing regularly or occasionally of each of his animals, and it will be to the interest of the body of villagers to prevent grazing for which payment is not made. Accordingly the system of an uniform fee should be generally introduced, but in any case in which the villagers prefer to pay a lump sum proportionate to the fees which would be due for all the cattle, and to distribute the liability amongst themselves, that course should be allowed. The fee should be 2 annas per head for all animals of agriculturists of forest villages, 4 annas per head for all animals of agriculturists of non-forest villages and Re. 1 per head for all cattle of professional graziers. The amount of revenue derived from this source is of comparatively small importance, but it is essential that the right of Government to charge for the use of the pasture areas should be exercised and maintained. It is true that animals of one class eat more than those of another and are more destructive of the grass, but the same statement holds good with regard to the old and young animals of any class, and it is not possible to charge fees in strict proportion to the benefit obtained. If the people of any villages refuse to accept either of the systems above described, maintaining a claim to free grazing for their agricultural cattle, the existing rules should be rigidly enforced, care being taken that the exemption is confined to agricultural cattle. It is most probable, however, that if the advantages and in particular the freedom from interference which are gained from the adoption of a system of lump payment or uniform fee are explained, refusal will not be maintained.

23. The following rules have been prescribed for the regulation of grazing in the Panch Mahâls :—

I.—A forest block will henceforth be divided into two portions only, *viz.* (1) "the open" and (2) "the closed."

II.—Grazing will be permitted in the *unclosed portion*, which will be open both to cattle allowed free grazing and to other cattle in respect of which payment has to be made for grazing. The closed portions will not exceed on the whole more than one-third of the total area.

III.—Villages which have contributed land to the formation of a forest block are to be allowed free grazing in the open forest block *for all their agricultural cattle.*

IV.—Villages which have contributed no land to forests will pay fees for all their cattle admitted into the forests to graze.

V.—The term "agricultural cattle" shall be held to comprise—

(*a*) Cattle used for purposes of cultivation in the village, for ploughing or for drawing water for irrigating garden land.

(*b*) Milch cattle the property of cultivators.

(*c*) Two head kept by cultivators to provide manure.

VI.—Village officers will prepare a census of all the cattle in the village, and a statement of the full amount of the fees to which they would be liable for grazing, assuming that none of them could under the privilege accorded claim free grazing.

VII.—The fees leviable *on agricultural cattle* will then be remitted, in such villages where the cattle are entitled to free grazing under Rule III, by the officer to whom the Collector may assign that duty, and the cattle in question will be admitted upon free permits into the open portion of the forest block.

VIII.—Adequate restrictions are to be imposed upon the number of cattle to be permitted to graze in the unclosed portion of each forest block; that number must be limited to the cattle for which the open area can furnish sufficient grazing, and no cattle, in excess of that number, should be admitted to graze. In determining the number, it must be considered how many cattle the open portion of the forest block can properly feed without injury to—

(*a*) the cattle;

(*b*) the pasturage;

(*c*) the forest itself.

IX.—The Revenue and Forest Officers will determine the number of cattle which can, with safety, be admitted into the open portions of a forest block, and from time to time the months

during which the open portions of the block can be closed.

X.—The demands for the admission of cattle into a forest block to graze will be satisfied in the following order :—

1. Cattle entitled to free grazing
2. Other village cattle belonging to cultivators
   (*a*) of forest villages,
   (*b*) of non-forest villages.
3. Cattle the property of resident professional graziers and others.
4. Outside cattle.

XI.—The fees to be levied upon village cattle belonging to cultivators shall be :—

	Western Mahals. Annas.	Eastern Mahals. Annas.
For every buffalo ...	3	2
For every cow, ox, horse, mule or donkey ...	2	1
Sucking animals ...	Free	
For every sheep ...	1	1
For every goat ...	2	2

The Revenue and Forest Officers shall decide whether or not sheep are to be admitted to graze in an open block.

Goats will only be admitted when accompanying flocks of sheep, but only in the proportion of one goat to every 50 sheep.

XII.—The village officer shall muster all the village cattle in the village in the early morning, when the Forest Officers in protective charge of blocks, acting under the special or general order of the Divisional Forest Officer, shall require them to do so, for the purpose of comparing the cattle census with the permits issued.

XIII.—Resident professional graziers and other resident non-cultivators shall pay the following grazing fees in all forests :—

For every buffalo	1	Rupee.
For every cow, ox, horse, mule or donkey	8	Annas.
For every sheep	2	„
For every goat	4	„

XIV.—The Forest Officers shall determine the rate of fees to be levied on outside cattle, which shall not be lower than that for resident professional graziers and others.

XV.—Village officers will issue permits, and collect the fees in respect of all cattle belonging to villagers other than professional graziers. These permits shall be printed on yellow paper. They will also issue the permits for free cattle; such permits shall be printed on white paper.

XVI.—Forest Officers will issue permits and collect the fees for resident professional graziers, such permits being printed on green paper. They shall issue permits and collect fees for outside cattle, such permits being printed on red paper.

XVII.—A herdsman shall be in charge of every lot of not more than 50 head of cattle; his name shall be registered by the Village and Forest Officers; he shall wear a distinguishing badge of office; he shall be responsible that the grazing rules are observed in respect of the cattle in his charge, and that no unauthorized cattle enter the grazing area open to his cattle, and he shall carry with him in the forest the grazing permits for his cattle.

Note.—The badge to be worn by the herdsman will be a leathern belt with a brass buckle, which will be provided by the Forest Department.

XVIII.—Camels, elephants and swine shall be prohibited absolutely from grazing inside a forest block.

XIX.—The disposal of the grass in the closed portion of a forest block shall remain entirely in the hands of the Forest Officers, who may sell it for cutting and removal or not as to them may seem best.

XX.—The following simple rules shall be printed on the back of each forest permit :—

(*a*) This permit must always be taken by the holder into the forest with his cattle.

(*b*) It must be shown on demand to any Village or Forest Officer.

(*c*) The holder must assist in the protection of the forest against fire and the cutting of ligneous vegetation.

(*d*) The holder must see that his cattle do not injure the boundary marks of the grazing area of the forest.

(*e*) The holder must not allow his cattle or other cattle to trespass into the closed portions of the forest.

The term "holder" in this rule shall be held to mean the owner or his agent the herdsman.

XXI.—Village Officers shall prepare a census of all the cattle in their respective villages, distinguishing between agricultural and other cattle. As regards the former, a statement shall be framed showing—

(1) The name of the cultivators.

(2) The aggregate area of his holding or holdings.

(3) The number of plough bullocks or buffaloes used by the cultivator slolely for cultivation in his holding or holdings.

(4) The number of wells or Persian wheels on his lands used for irrigation.

(5) The number of cattle solely employed on these wells or Persian wheels.

XXII.—The Mámlatdár and the Assistant Collector shall compare the number of plough cattle returned with the area of the holding or holdings. (G. R. No. 3389, dated 16th May 1891.)

24. The Divisional Commissioners and the Collectors of Districts will be responsible for the working of the grazing rules, and they should indent on the Conservators for the number of belts and badges required in the various districts. The wearing of the badge should be compulsory on men or boys in charge of herds, but will be optional with females. (G. R. No. 4142, dated 17th June 1891.)

25. Proposals for the closure of protected forests under Section 29 (*b*) of the Forest Act should be carefully considered by the Revenue Officers, with reference to the requirements of the people concerned, and be invariably supported by a statement of reasons. The Commissioners, in submitting the proposals to Government, should see that full information is given as to what other provision there is to meet the grazing requirements of the village in which the closure is proposed. (G. C. No. 3715, dated 2nd June 1891, and G. R. No. 4699, dated 10th July 1891.)

26. The Collectors of those districts through which the Southern Marátha Railway line passes should take all possible means to prevent cattle being deliberately driven on to the line to graze. (G. R. No. 8601, dated 3rd December 1890.)

27. In exercise of the power conferred by Section 70 of the Indian Forest Act, No. VII of 1878, the Governor in Council is pleased to direct that in lieu of the fines fixed by Section 12 of the Cattle Trespass Act, 1871, there shall be levied in the Thána District, on and after the 1st August 1891, in respect of cattle trespassing in a reserved forest or in any portion of a protected forest which has been lawfully closed to grazing and impounded under Section 69 of the Indian Forest Act, fines at the following rates, *viz.* :—

For each buffalo	1 Rupee
For each horse, mare, gelding, pony, colt, filly, bull, bullock, cow or heifer	8 Annas.
For each calf, ass, pig, ram, ewe, sheep, lamb, goat or kid	4 „

(G. N. No. 4381, dated 18th July 1891.)

D.—Kánara Permit Rules.

1. The following are the rules for the grant of permits to cut timber, bamboos, &c., in the Kánara Collectorate :—

It is the desire of the Government of Bombay that, in future, supplies of timber should be cut by the officers of the Forest Department, and collected in convenient depôts, where it will from time

to time be sold by public auction under the rules that may be in force. In this way, people will be able to procure timber at the sales, but it is necessary to make provision, so that the rayats of the zilla may have the means of getting wood, bamboos, &c., which they may require for their own wants, and not for purposes of trade. The following rules regarding permits to cut wood, &c., on Government land are, therefore, published :—

I.—The rayats may, in accordance with customary usage, cut and collect in the Government forest of their own villages when, not specially reserved for the growth of timber or other conservancy purposes, the following sorts of forest produce :—

1 Bamboos of sorts and canes.

2 Junglewood for small houses, huts, chuppers, cattle-sheds, &c.

3 Dry wood for fuel.

4 Leaves and grass for manure, &c.

5 Thorns and brushwood and stakes for hedges and dams.

6 Wood for agricultural implements.

7 Dead sago and other palm trees for watercourses, &c., excepting always squared timber for houses of a superior description, planks for solid wheels of carts, wood for rice-grinding mills or the rollers of sugar mills and any other descriptions, that may from time to time be prohibited. They must not trade with the wood, &c., so cut, and must not cut or destroy any trees of the kind excepted under Section 5. The Pátil and Kulkarni will be responsible that this rule is not abused. In the case of villages within the boundary of which there is no jungle, an adjacent tract beyond the boundary will be set apart for the use of the villagers (this they must take great care of, as they will not get any more when this is exhausted), who must, however, before resorting to it, produce before the Pátil, or other officer in charge of it, a permit from their own village officer.

II.—Except in such villages as the Collector, acting in concurrence with the Conservator of Forests, may exclude from the operation of this rule, owners and cultivators of land are permitted to clear away all small brushwood and thick low jungle within 50 feet of the boundaries of their cultivated land so as to secure their cattle from the depredations of wild animals, and they may use the brushwood and small wood cut for their own purposes, but this provision does not extend to any trees of the nature specified in Rule 5.

III.—Except as provided for in the above two sections, no one is to cut wood of any description in any Government land in Kánara without a permit in writing from the Mámlatdár or Mahál-

khri of the district, and any one found cutting wood &c., without such permit will be liable to be prosecuted according to law.

IV.—Persons requiring permits should apply to the Mámlatdár or Mahálkari of the district, stating the quantity and the description of the wood, the purpose for which it is required, and the number of trees required, and depositing the fees according to the rates which may be in force. A form of permit to cut is annexed.* (A).

V.—Permits for cutting the trees noted in the margin shall not be given without the special sanction of the Collector, and for cutting these, special rates will be imposed, and from time to time, as found necessary, fixed by the Collector in communication with the Conservator of Forests.

1. Teak.
2. Sandal.
3. Blackwood.
4. Ebony.
5. Honay.
6. Sirpony.
7. Mattee.
8. Bullaghay.
9. Kurrymootal.
10. Sownee.
11. Jhallanda.

Any others which may from time to time be added.

VI.—Subject to the conditions of Rules XXIV to XXVII and if the fees are less than Rs. 25, and the Mámlatdár or Mahálkari sees no objection to the grant, he may give a permit. If the fees are more than Rs. 25, he should report the case to the Assistant Collector with his opinion. The Assistant Collector may sanction the issue of any permit the fees on which do not exceed Rs. 60, provided that no person shall be permitted to cut more than 50 candies of squared timber within 10 years without the special permission of the Collector. The Collector shall not sanction the issue of any permit in excess of 100 candies without a previous reference to the Revenue Commissioner through the Conservator of Forests. For every grant of more than 50 candies, it shall be competent for the Conservator in communication with the Collector to exact special rates not exceeding twice the ordinary rates in force.

VII.—A register shall be kept of all applications in each village, and no permit shall be granted till the register shall have been examined, and it shall appear that applicant has had no grant within a reasonable period, and that he is *bonâ fide* in want of timber for the purpose indicated.

VIII.—Permits should be granted as soon as possible after the date of application, and should be issued for as short a period as is consistent with the facilities of cutting the timber. The permit should specify the number of trees to be cut, and the village "Phhirka" or jungle in which the wood is to be cut, and due intimation should be given to the Pátil and Kulkarni. The exact trees to be cut will be pointed out to the

* Not printed.

applicant by the forest subordinates deputed for that purpose.

IX.—Permission will not be given, except in emergent cases, to cut timber from the 31st of May to the 31st of October.

X.—No person should continue to cut after the expiry of the time mentioned in his permit, but he should, if necessary, apply for an extension of time.

XI.—The person to whom a permit is granted should report to the Pátil or to the Mámlatdár or Mahálkari, as soon as he has cut, the number of trees specified in the permit and the wood is ready for measurement, and no wood should be taken away from the forest till it has been measured and stamped with the permit mark (S).

XII.—The wood will be measured after being squared, except in the case of bamboos, firewood and poles, and in measuring it, all logs of $\frac{1}{4}$th candy and upwards, and all branches capable of producing logs of that size, will be estimated. If the total quantity is less than that entered in the permit, another tree or trees will be pointed out, or the difference of the fees will be returned to the grantee. If the trees pointed out to the applicant yield a greater quantity of timber than that permitted, the excess will be charged. This measurement or stamping of the timber cut on permit will be done by a fit and responsible subordinate of the Forest Department.

XIII.—When any person has received a permit under Rule 4 he must not use the timber for any other purpose than that assigned in the application for permit, and if he is found so using it, it will be liable to confiscation and after inquiry such case should be reported to the Collector, who will, if he considers it necessary, pass orders for confiscating the wood and for prohibiting that person from ever receiving a permit under these rules.

XIV.—The whole or part of the fees will be remitted in the following cases:—

1st. Works of public utility:

(1) Village chaukis.

(2) Village schools.

(3) Dharmshálas or rest-houses.

(4) Covers, fences, &c., of public wells.

(5) Bridges over nálas and water-courses.

(6) Works of *bonâ fide* public utility when paid for by private contributions or out of Local Funds not particularised above.

2nd. Repairs of village churches, temples, muts, mosques, and grants for religious edifices not the property of individuals, but public as regards whole sections of the community.

3rd. Reconstruction of houses injured or destroyed by fire, flood, or similar calamity if

the houses so injured or destroyed belong to persons paying revenue to Government or their tenants or to lowly paid Government servants. Construction of houses which Government servants may be obliged to erect in consequence of their being stationed at newly established revenue and police stations where there is not sufficient house accommodation.

4th. In cases of distress or poverty not coming under the above heads, the Conservator is authorized to remit the permit fee to the amount of Rs. 15.

(*Note.*—Free grants of wood for idol cars may be considered to fall within this rule: G. R. No. 3401, dated 13th April 1892.)

XV.—The Assistant Collector or Deputy or Assistant Conservator of Forests will have authority to remit the fees up to Rs. 15 in any one case. All cases in which a larger sum is to be remitted, should be reported for the orders of the Collector, or if necessary of the Revenue Commissioner or Government.

XVI.—The number and date of the order for remission should be noted on the back of each free permit and the full value of the fees should be credited to the forest revenue, corresponding debit being made of the sum remitted.

XVII.—The owners or occupants of lands which have not paid revenue to Government from a date anterior to 1st January 1844 may purchase the right of ownership in the timber growing in their fields, on application to the Collector, who in concert with the Forest Officer will fix its value.

XVIII.—All timber passing in or through the Collectorate of Kánara without a pass or rahádáree from some officer authorized to give passes will be liable to detention for enquiry.

XIX.—Mámlatdárs or Mahálkaris or any subordinate Forest Officer having special sanction will give passes (rahádarees) for all timber carts on application and after enquiry.

XX.—When timber, &c., is to be exported beyond the inland frontiers of the zilla above the ghâts, the Mámlatdár or Mahálkari or any subordinate Forest Officer having special sanction will give a pass on *green paper* which must be exchanged at the appointed frontier *nâka* for a similar pass on *white paper*. Passes on *white paper* will not be effective for passing timber at any of the stations in Kánara, but are only of use in other zillas. Forms of these papers are annexed (B and C).*

XXI.—All wood, &c., bought at public sales (revenue, magisterial, civil or forest) is entitled to a pass for export.

* Not printed.

XXII.—Passes for export may also be issued for wood, &c., granted on seignorage and converted to the use for which it was originally granted when it is desired to export it, provided that such wood when sold to outsiders should be charged on export an additional fee of 50 per cent. on the seignorage paid or remitted at the time of cutting.

XXIII.—This additional fee may be reduced or remitted by the Collector or his Assistants or Deputies in cases of wood so exported when it is given for charitable purposes or where the grantee moves his abode to another zilla.

XXIV.—Permits to cut wood in the Government forests will not be granted to any persons who are able without difficulty to supply themselves with the timber or other articles they require from the timber depôts.

XXV.—In the event of any villagers to whom by usage a permit to cut in the Government forests would have been granted being refused a permit on account of the proximity of a timber depôt, such person may at the Collector's discretion be excused from the necessity of purchasing his timber by public auction, and it may be issued to him from the depôts on payment of a price calculated to cover the cost of cutting and carting (including superintendence) and the seignorage fees of the district as may from time to time be fixed: these fees, but not the cost, being remitted in cases coming under Rule XIV.

XXVI.—Permits to cut wood in the Government forests will not be given to cultivators who have many suitable trees other than fruit trees (which are excepted) standing in their own estates.

XXVII.—Whenever it is discovered that large and valuable trees have been cut down without permission in the Government forests, adjoining any village or town, and there is a clear and reasonable presumption that such trees must have been cut with the cognizance of such villagers or town people, and they fail when called upon to supply any information which may lead to the apprehension of the actual depredators, then Section 37 of Regulation XII of 1827, which is printed below, will be put in force:—

"When robbery has been committed within the boundary of a village, or the perpetrators of a robbery have been satisfactorily traced thereto, and neglect or connivance be charged against the inhabitants or the Police establishments with regard to prevention, detection or apprehension, it shall be competent to the Magistrate to investigate the matter as a criminal offence, and if the fact be well substantiated, to exact a fine not exceeding the value of the property lost, the whole or part of which may be awarded in compensation to the owner according as the degree of caution and activity which he evinced on the occasion may deserve."

Table of seignorage fees to be charged on various kinds of timber cut on permit, referred to in the rule submitted with Kánara Collector's letter to Revenue Commissioner, S. D., No. 3593, dated 18th December 1871.

First Class at Rs. 3 per candy.

1. Phunus.
1. Jemba.
1. Mhusi *alias* Phordgoos.
1. Wante.
1. Nunja *alias* Bokli.
1. Hedeh.
1. Sagdi.
1. Kawanchi.
1. Kulunb.
1. Wild Hoonse.
1. Holi Muttee.
1. Nundi.
1. Sumpigi.
1. Khursing *alias* Guensu.
1. Hongul *alias* Kibul.
1. Dudsul.
1. Dindle.
1. Wo-amb.
1. Deodar.

Second Class at Rs. 1½ per candy.

All trees not reserved or entered in the other two classes.

Third Class at Re. 1 per candy.

1. Wild Amte.
1. Uttee.
1. Banian.
1. Busar.
1. Yarl.
1. Gulee.
1. Arle.
1. Churmul.

(G. Rs. Nos. 1671, dated 8th April 1872, 7874, dated 18th October 1889, and 7461, dated 23rd September 1896.)

2. The term "brushwood" used in the foregoing rules is meant to include bushes, shrubs and all ligneous growths which do not become timber trees. A list of such ligneous growths is appended for the guidance of officers of the Forest and Revenue Departments.

List of shrubs suitable for being included in the term "brushwood."

No.	Description.	No.	Description.
	Brushwood for manure.		*Brushwood for fences and dams*—continued.
1	Karvi.		
2	Mangari.	10	Sonemavu.
3	Gonagal.	11	Kanagal.
4	Bikki.	12	Kasal.
5	Churni or Mullahanu.	13	Kandaswal.
6	Pargi.	14	Nirsalli.
7	Pendari.	15	Niratti.
8	Nelli.	16	Maragowri.
9	Bonageri.	17	Hannageri.
10	Godchi.	18	Kowlu.
11	Kowli.	19	Gooz.
12	Kumsa.	20	Budbenda.
13	Vaivalingi.	21	Honchunagal.
14	Gurgi.	22	Holageri.
15	Sanna Ichal.	23	Ala.
	Brushwood for fences and dams.	24	Basri.
		25	Goli.
1	Haviga.	26	Atti.
2	Salle.	27	Burla.
3	Nurkal.	28	Charmal.
4	Kunnerlu.	29	Kariyadri or Kad Amti.
5	Hannusampigi.	30	Andi.
6	Karikumar.	31	Sasanbhagi.
7	Akkarkal.	32	Kaddhupa.
8	Halivana.	33	Manu.
9	Kadgeri.	34	Gulmavu.

Note.—A few of the above kinds do become trees, but the wood is soft and of no value.

(G. R. No. 525, dated 22nd January 1890.)

(*E*). *Concessions in respect of fruit trees in Kánara.*

1. Notice is hereby given for general information that the following concessions, subject to the conditions hereinafter stated, are made by Government, in respect of the fruit of the following fruit-bearing trees, namely :—

Mango,	Guava,
Jack,	Murgal,
Kaju,	Tamarind,
Karinda,	

which stand in reserved or protected forests, or in Government assessed or unassessed waste lands, in the Kánara District :

Provided that nothing contained in these concessions shall affect the right of Government in the said trees, and that the felling of any such trees is strictly prohibited, except with the written joint permission of the Conservator of Forests and the Collector.

(2). In future all people are permitted to collect and remove the fruit of the above mentioned trees standing in the lands aforesaid, excepting trees the exclusive right to the fruit of which has been permitted in accordance with paragraph 4 of this notice, during the proper season, in reasonable quantities and without payment of any fees. Poor people will be allowed to sell the surplus fruits, over and above what may be required for general use, in towns or villages or in markets, but no person shall be allowed to exercise this privilege so as to carry on a large and extensive trade in the sale of fruits, thereby curtailing the rights and privileges of other persons, and Government reserve the power of restricting the collection and removal of these fruits to the *bonâ fide* requirements and wants of the persons collecting them.

(3). And notice is hereby given that no person collecting and removing fruits shall cut any tree, or lop branches or otherwise injure the trees under the pretext of gathering the fruit, and any person who shall so injure any tree shall be liable to be prosecuted for the offence of mischief.

(4). And notice is also hereby given that any persons who have planted and reared fruit-bearing trees round or near their houses on Government waste land which is not included in their own survey occupancies, if they wish to claim the exclusive right of collecting and removing the fruit of such trees, are required to present their claims before the Mámlatdár within one year from the first day of February 1883, and on such persons proving to satisfaction that the trees were planted and reared by them, they shall be furnished with the written joint permission of the Conservator of Forests and the Collector to gather and remove the fruit of such trees to the exclusion of other persons ; and no claim to the right or privilege to take the fruit of any of the trees specified in the first paragraph of this notice, to the exclusion of

other persons, other than is allowed by such permission, shall be recognized.

(5). In the event of any such claims not being presented within the prescribed period, or, having been presented, not being proved to satisfaction in the manner above mentioned, the fruit of all such trees shall be subject to the concessions and conditions hereinbefore set forth in paragraphs 2 and 3.

(6). Pending the settlement of claims made in accordance with this notice, the concessions and conditions hereinbefore set forth shall not come into operation in respect of the trees affected by such claims, the fruit of which shall be disposed of as heretofore.

(G. R. No. 9145, dated 29th December 1882.)

Note.—By Government Resolution No. 3795, dated 20th October 1866, the right to collect the following forest-produce in Kánara was authorized to be farmed :—Mangoes, guavas, and pepper, but by Government Resolution No. 5768, dated 23rd August 1882, the "ámb jámb" farm was abolished.

(*F*) *Privileges in Khándesh Forests.*

1. The following is the Code of Rules regarding the exercise of privileges in the forests of the South Tápti tálukas of the Khándesh Collectorate :—

I.—The South Tápti tálukas include—

Bhusával (with Edálabad Petha).
Jámner.
Jalgaon.
Erandol.
Amalner (with Párola Petha).
Páchora (with Bhádgaon Petha).
Chálisgaon.
Dhulia.
Sindkheda.
Nandurbár (with the exception of the Deonogra Reserve and the Navápur Petha).
Pimpalner (with the exception of the village of Umarpata).

II.—A forest village is a village which has contributed land to forest.

III.—An inhabitant of a forest village is a person permanently resident in a forest village.

IV.—The inhabitants of other than forest villages have no forest privileges.

V.—The privileges may be exercised by the inhabitants of a forest village throughout the unclosed portions of the block to which their village has contributed, but not in other blocks.

VI.—Forest products, which under Rule VII are allowed to be taken by inhabitants of forest villages for their own use only, may be taken by them for such use from the forest, only to the forest villages in which they are permanently resident. If they change their residence from one forest village to another forest village, they may take forest products acquired under these rules with them.

VII.—Inhabitants of forest villages may, free of charge in the unclosed portions of the forest,—

(*a*) Cut and remove grass, including Baru, for their own use, sale or barter.

Exception.—This privilege may not be exercised in those portions of forests which are "Mámul Kurans" and in which the grass is annually sold by auction.

Government Resolution No. 7467 of 15th September 1885.

Note I.—This privilege may also be exercised in such portion of the closed area as can, in the opinion of the Divisional Forest Officer, be safely opened for grass-cutting only.

Note II.—Rosha grass, when cut under this rule, must be sold to the person who has farmed the right to make Rosha oil in the range in which the Rosha grass is cut; it may not be disposed of in any other way.

Note III.—The grass cut by the Forest Department in the unopened part of the closed area is to be given free of charge to the villagers of any forest village of the block in which it has been cut if required by the Collector.

(*b*) Collect dead wood (branches, not trunks) of all kinds except teak, tiwas and khair for their own use, but not for sale or barter.

(*c*) Collect mhowra (fruits and flowers), honey, wax, gum and all jungle fruits except hirdas for their own use or for sale or barter.

(*d*) Take or quarry Khári earth, stone and similar material for their own use only in places assigned by the Forest Officers.

(*e*) Gather teak-leaves from side branches of trees outside forest boundaries or felled in forest in the course of departmental felling operations.

VIII.—The Collector may suspend, until further orders, the exercise of any of the foregoing privileges on his being satisfied that it is being abused, or that an offence under Section 78 of the Indian Forest Act has been committed, and shall then obtain the orders of Government regarding the term of the suspension or the permanent withdrawal of the privileges abused.

IX.—Wood required for ploughs or houses and firewood shall, subject to the capability of the forest to furnish such wood and to the working of the working plan, be supplied by the Forest Department on application, at rates to be fixed by the Forest Department with the approval of the Commissioner, to inhabitants of forest villages from the block to which such villages contribute; or if the Forest Department is unable to meet the application from its own fellings, the applicant may, at the discretion of the Divisional Forest Officer under the orders of the Collector, be granted, on payment of fees at a scale to be fixed by

the Forest Department with the sanction of the Commissioner, a permit to cut under the supervision of the Forest Officers specified quantities of specified trees in specified places for his own use only for the purpose named in the permit.

X.—Under Section 78 of the Forest Act all persons enjoying privileges in forest are bound—

(*a*) to give information respecting the commission of any forest offence,

(*b*) to assist Government officers in extinguishing forest fires and in preventing theft, mischief and other forest offences, and in discovering and arresting offenders.

(G. R. No. 5019, dated 18th July 1890.)

2. The following is the Code of Rules regarding the exercise of privileges in the forests of the North Tápti tálukas of the Khándesh Collectorate :

I.—The North Tápti tálukas include :

Taloda.
Sháhádá.
Chopdá.
Shirpur.
Sávdá (with the Yával and Ráver Pethas).
Navápur Petha of the Nandurbár Táluka.
Deomogra Reserve in the Nandurbár Táluka.
The village of Umarpata in the Pimpalner Táluka.

II.—A forest village is a village which has contributed land to forest.

III.—An inhabitant of a forest village is a person permanently resident in a forest village.

IV.—The inhabitants of other than forest villages have no forest privileges.

Exception.—Privilege No. IX (*e*) may be exercised by all Bhils and other wild tribes resident in the táluka in which the forest block is situated.

V.—The privileges may be exercised by the inhabitants of a forest village throughout the unclosed portions of the block to which their village has contributed, but not in other blocks.

VI.—Forest products, which under Rules VIII and IX are allowed to be taken by inhabitants of forest villages for their own use only, may be taken by them for such use from the forest only to the forest villages in which they are permanently resident. If they change their residence from one forest village to another forest village, they may take forest products acquired under these rules with them.

VII.—Goats will not be permitted to graze in the forests without the express permission of the Conservator of Forests.

VIII.—The inhabitants of forest villages may, free of charge, in the unclosed portions of the forests—

(*a*) graze all cattle *bonâ fide* their own property ;

Exception.—This privilege does not extend to professional graziers.

(*b*) cut and remove grass, including Baru, for their own use, sale or barter;

Note I.—This privilege may also be exercised in such portion of the closed area as can, in the opinion of the Divisional Forest Officer, be safely opened for grass-cutting only.

Note II.—Rosha grass when cut under this rule must be sold to the person who has farmed the right to make Rosha oil in the range in which the Rosha grass is cut; it may not be disposed of in any other way.

(*c*) collect dead wood of all kinds except teak, tiwas, and khair for their own use, but not for sale or barter;

(*d*) take or quarry Khári earth, stone and similar material for their own use only in places assigned by the Forest Officers;

(*e*) take teak leaves for their own use;

(*f*) cut thorns and brushwood for their own use with the previous permission of the Divisional Forest Officer at the places and of the kinds pointed out by the Divisional Forest Officer.

IX.—In addition to the privileges granted in Rule VIII, Bhils and other wild tribes are granted the following privileges:—

(*a*).—Collect for sale or barter dead wood of any but the three reserved kinds on payment of the same fees as have hitherto been levied, namely, not exceeding Rs. 2 per cart-load and annas 2 per head-load.

1. Teak.	9. Dhávda.	17. Kalamb.
2. Blackwood.	10. Nimb.	18. Haldwan.
3. Ain.	11. Awal.	19. Tembru.
4. Chinch.	12. Mango.	20. Bor.
5. Bábul.	13. Chárali.	21. Koshimb.
6. Khair.	14. Mowra.	22. Shiwan.
7. Tiwas.	15. Jámbhul.	
8. Hirda.	16. Anjan.	

(*b*).—Cut live wood of any but the 22 reserved kinds free of charge for their own use.

(*c*).—Cut live wood of any but the 22 reserved kinds for sale or barter on payment of the following fees:—

	Rs.	a.	p.
Each cart-load not exceeding ...	1	0	0
Each head-load not exceeding ...	0	1	0
Bambus over five inches girth measured at the base, per 100 .	*1	8	0
Bambus of five inches and under girth measured at the base, per 100	*0	12	0

Smaller quantities at proportional fees

* *Vide* G. R. No. 2259, dated 28th March 1893.

Note.—The scale of fees for bambus in the Akráni Pargana is 4 annas per 100 bambus 5 inches and under in girth, and 8 annas for larger size.

(*d*).—Cut free of charge—

(1) Bambus for their own use or for their own manufacture;

(2) in the Akráni Pargana "ain" and "dhávda" for their own use under the supervision of the Forest Officers.

(*e*).—Collect honey, wax, gum, mowra (flowers and fruits) and other minor produce except hirdas free of charge for their own use or for sale or barter.

Note.—Rosha grass when cut under this rule must be sold to the person who has farmed the right to make rosha oil in the range in which the rosha grass is cut; it may not be disposed of in any other way.

X.—The Collector may suspend until further orders the exercise of any privilege on his being satisfied that it is being abused or that an offence under Section 78 of the Indian Forest Act has been committed, and shall then obtain the orders of Government regarding the term of suspension or the permanent withdrawal of the privilege abused.

XI.—Under Section 78 of the Forest Act all persons enjoying privileges in forest are bound—

(*a*) to give information respecting the commission of any forest offence;

(*b*) to assist Government officers in extinguishing forest fires and in preventing theft, mischief and other forest offences, and in discovering and arresting offenders.

(G. R. No. 5019, dated 18th July 1890.)

Note.—By Government Resolutions Nos. 5450, dated 2nd July 1892, and 2761, dated 19th April 1893, the privileges under the North Tápti Code were allowed to the inhabitants of the Bhil settlements inside and of certain villages bordering on the Akráni Narbada Reserve.

By Government Resolutions Nos. 2259, dated 28th March 1893, and 2761, dated 19th April 1893, the privileges mentioned in Rule VIII (*b*) and (*e*) were extended to the Bhils and Pawras of the Akráni Pargana.

3. The following rules regulate the exercise of certain rights granted to certain Bhils over the reserved forests of the Sávda, Chopda and Shirpur tálukas:—

SA'VDA TA'LUKA ... } *Right to cut wood.*
CHOPDA TA'LUKA . }

(1). The persons specified in the register mentioned in Rule 6 below, and members of their households shall be entitled, subject to the limitations there stated against their names, to cut for all purposes all but the 9 kinds of trees noted below:—

Teak, blackwood, anjan, khair, tiwas, bibul, mhowra, chároli, mango.

(2). Such right shall be exercised in all parts of the reserved forest (as constituted prior to 1883), except—

(*a*) in such areas as may be closed by the Collector after consultation with the Divisional Forest Officer,

(*b*) in the months of March, April, May.

(3). Every right-holder shall be supplied by the Forest Department with a ticket bearing a serial number and showing his name and the nature of the right to which he is entitled.

(4). Before going into forest with a view to cutting trees in the exercise of his right, a right-holder shall apply to a Forest Depôt Officer for a permit, which the latter shall be bound to supply to him on payment of such fees as may be settled by the Collector after consultation with the Divisional Forest Officer.

[*Note.*—The fees to be enforced for the present shall not exceed those now in force for the general public.]

(5). The transit of all timber obtained under these rules shall be regulated by the rules under Section 41 of the Forest Act.

(6). A register shall be kept by the Divisional Forest Officer showing the names of all persons entitled to cut timber or to the enjoyment of other rights under these rules; such register shall be corrected up to date at least once in every twelve months.

(*Note.*—The head of each resident household directly descended from an original grantee, person or family, must be entered in the register. It is not necessary to enter every member of every such household or persons descended from relatives of original grantees but not from original grantees themselves. No attempt should be made to limit heirship to lineal male descendants or any other particular class.)

CHOPDA TÁLUKA.—*Right to gather mhowra.*

(7). The persons specified in the register mentioned in Rule 6 shall be entitled to gather mhowra blossom and mhowra flower for all purposes, free of charge, *subject to Rules 2 (a) and 3.*

SHIRPUR TÁLUKA.—*Right to collect firewood.*

(8). The persons specified in the register mentioned in Rule 6 shall be entitled to collect, for firewood for their own use only, dead wood of all kinds except teak, tiwas and khair, free of charge, *subject to Rules 2 (a)–3 and 4.*

SHIRPUR TÁLUKA.—*Right to building materials.*

(9). The persons specified in the register mentioned in Rule 6 shall be entitled to cut free of charge all trees, except the following 9 kinds, for the purpose of building huts for their own use:—

Teak, blackwood, sanjan, khair, tiwas, bábul, mhowra, chiroli, mango, *subject to Rules 2 (a), 3 and 4.*

(10). Any person wishing to exercise this right shall apply to the Range Forest Officer, stating the nature and quantity of the wood required; the latter, after satisfying himself that the wood is required for the applicant's own use and for the object stated, shall grant him the necessary permission to cut the wood.

SHIRPUR TÁLUKA.—*Right to minor jungle produce.*

(11). The persons specified in the register mentioned in Rule 6 shall be entitled to gather, free of charge, for all purposes such of the following articles of jungle produce as may be shown against their names in the said register :—

Honey, wax, gum, lac, temru fruit, safed musali, mhowra flowers, mango and tamarind, *subject to Rules 2 (a) and 3.*

SHIRPUR TÁLUKA.—*Right to free-grazing.*

(12). The persons specified in the register mentioned in Rule 6 shall be entitled to graze, free of charge, the number of cattle shown against their names in the register, *subject to Rules 2 (a) and 3.*

(13). The Collector may suspend for a period not exceeding 12 months the exercise of any right on his being satisfied that it is being abused or that it leads to an offence under Section 78 of the Indian Forest Act being committed.

(14). The tickets issued under Rule 3 shall be non-transferable. Any right-holder, fraudulently transferring his ticket to another person, shall be liable to be dealt with under Rule 13.

[*N.B.*—The rights to be exercised under these rules must be held to exist only in the forest lands with which Messrs. Pollen and Woodburn actually dealt.]

(G. R. No. 2042, dated 18th March 1893.)

(*G*).—*General.*

1. It is impossible to lay down a rule which shall be universally applicable; but it must be understood that no one should be prohibited from drawing water obtainable in a forest reserve in cases where it is not procurable elsewhere, within a reasonable distance. (G. R. No. 4345, dated 23rd November 1866.)

2. A Commissioner having stated that he had derived from a perusal of the debate on the Forest Act the impression that interference with existing privileges was not contemplated by the Legislature pending the definition of rights by formal inquiry, Government observed that it was not intended that any existing rights should be abridged pending formal enquiry, but that it certainly was not intended that pending enquiry any practice which might be asserted to be a right should be exercised without restriction. If such a theory were pushed to an extreme, any abuses might be maintained until they should be proved not to be rights. Although Government have no wish to punish as criminal acts contraventions of orders which may possibly not yet be fully understood, yet Government are clearly justified in putting a stop to any practices which have been recognized only as permissive privileges, in so far as they are injurious to the public interests. (G. R. No. 8505, dated 28th October 1884.)

3. The Governor in Council has always been careful, while formally conceding liberal privileges on the completion of a forest settlement to communities which are reported to have enjoyed them, though as a matter of favour and not of right, for many years past, to make it clearly understood that such privileges are intended to be exercised as of favour only and are subject to withdrawal at any time. (G. R. No. 2232, dated 12th April 1883.)

4. Privileges which are exercised as of favour should be defined in terms as exact and precise as possible, as is done with rights recorded in a forest settlement, and, wherever possible, a definite term should be fixed for their enjoyment. (G. I., R. & A., No. 652-F., dated 19th June 1888; *vide* G. R. No. 5016, dated 27th July 1888.)

5. With a view to guarding against privileges growing into rights it is desirable to secure the distinction between privileges and rights by fixing some definite period at the end of which the question should be again considered of the continuance of the privileges for a further period. (G. I., R. & A., No. 509-F, dated 7th June 1889; *vide* G. R. No. 4619, dated 3rd July 1890.)

6. The question of granting forest produce free, or on specially favourable terms, is a matter for consideration quite independently of the assessment of the Land Revenue, which should under no circumstances be enhanced at the expense of forest produce, the property of the State, granted free. The principle to be kept in mind in dealing with the requirements of the people is that a fair price is to be charged for all forest produce, including that consumed in rab cultivation, which may be supplied in excess of the quantity to which the people may be legally entitled by virtue of admitted rights. (G. I., R. & A., No. 411-F., dated 23rd May 1890; *vide* G. R. No. 4619, dated 3rd July 1890.)

Privileges as to forest produce and pasture and use of natural agents, not being at the time of concession or recognition by Government a part of the property or legally annexed as of right to the property of those to whom the concession or recognition may have been made, are to be deemed for all time indulgences or licenses revocable at pleasure by Government, which has no intention when permitting advantages to be enjoyed or benefits taken by means of forest privileges so allowed by it to abandon any part of its proprietary rights or any of the incidents thereof or benefits connected therewith.

It should be clearly understood that all forest privileges sanctioned by Government are liable at any time at the pleasure of Government to modification, curtailment or discontinuance, and that the exercise of such privileges is subject to revision whenever Government may consider such a course necessary. Ordinarily such revision will be made at the revision of the survey settlement, unless cause appears

to the contrary, but should Government deem a revision at any intermediate period or at decennial intervals to be rendered requisite by special circumstances, a revision will be effected at such period or interval. Where a revision of privileges previously accorded is held to be desirable either at a revision survey settlement or at any time other than that of the revision survey settlement, a full report showing why such revision is regarded as advisable and what changes are proposed should be furnished to Government by the Local Land Revenue and Forest Department Officers through the Conservator of the Circle and the Commissioner of the Division. (G. R. No. 4619, dated 3rd July 1890.)

7. As to the supply of wood, any favour as to price enjoyed by any class should not be abruptly cancelled without careful consideration and reference to Government. (G. R. No. 2952, dated 7th April 1884.)

8. The proposal that the cutting and removal by hand of grass from closed forest areas should be permitted, seems reasonable to Government on the grounds that the saplings might be choked by the rank growth of grass, which, if set fire to, would destroy much valuable wood. It would be well if the rayats could be induced to take away such grass for ráb, fodder or provender. This is a matter which the Commissioners should settle according to their own discretion. Care should, however, be taken, in case such a concession is made, to secure the intervention of the Forest Officers if the people abuse the privilege of grass cutting so as to injure the young wood. (G. R. No. 1631, dated 3rd March 1891.)

9. The Commissioners are authorized to relax the rates of fees for forest produce leviable under special privilege rules sanctioned by Government if in any case they should find the rates higher than the people can well afford to pay. (G. R. No. 2259, dated 28th March 1893.)

PART XV.—CONTROL OF TIMBER AND OTHER FOREST PRODUCE.

1. The forest pass required by Rule 3* of the rules under Section 41 of the Indian Forest Act, 1878 (Government Notification No. 4133, dated 9th August 1880), for regulating the transit of timber and other forest produce, should be in the following form:—

Forest Pass.

No.

From

To

Road

Name of Holder.	Description of Produce.	Quantity.	Value.		Time allowed.
			Rs.	a. | p.	

Camp

Date

Pass to be returned to _____.

Signature.

(*a*) The pass should be in duplicate, so that the outer may be issued and the inner or counterfoil may be retained in the office of issue.

(*b*) Each pass should measure six inches by four, so that a half sheet of foolscap should contain two duplicate passes.

(*c*) The passes should be bound in books of two sizes, *viz.*:—

Small size ... ... Containing 12 passes.
Large size ... ... „ 100 „

(*d*) The charge for passes—*vide* Rule 13—should be at the following rates:—

(1) A single pass ... ... 2 pies.
(2) A book of 12 passes ... ... 2 annas.
(3) A book of 100 passes ... ... 8 annas.

(*e*) There should be four classes of passes; each should be printed on paper of a different distinguishing colour as under:—

Foreign pass ... ... Colour green.
Inámdár's pass ... ... „ white.
Malki number pass... ... „ yellow.
Government pass ... ... „ red.

(*f*) The office stamp of the principal Forest Officer of the district from which the pass or pass-

* Printed at pp. 126 *b*-132 of the Compilation of General Rules.

book is supplied for issue should be imprinted upon the dividing line between the two copies of the pass, so that one-half of the stamp should appear upon the counterfoil and the other upon the duplicate copy issued.

There is nothing in the above rules to prevent Foreign States from using their own registered passes in preference to passes obtained from the Forest Department.

(G. R. No. 1559, dated 8th March 1882, and G. N. No. 2977, dated 16th April 1883.)

2. Chapter VIII of the Indian Forest Act has no reference to forests or lands under forest, whether Government or private, but is intended to give the means of controlling timber and other forest produce (as defined in Section 2 of the Act) while in transit, irrespective of the source from which it may have been derived. The object of the chapter is not only to protect the produce of Government forests in transit, but also that obtained from private forests, and especially to prevent misappropriation. The entire chapter would be ineffective if *any* forest produce was exempted from its operation. (G. I., H. D., No. 532-F., dated 20th June 1883; *vide* G. R. No. 5210, dated 12th July 1883.*)

3. Every forest pass accompanying imports of forest produce is, legally speaking, null and void so soon as the period for which it was granted expires. A renewed pass is requisite to cover the forest produce to which it relates. But when the delay

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* This Resolution was passed before Act V of 1890, which amended Section 41 and the definitions of 'timber' and 'forest produce' in Section 2 of the Indian Forest Act, 1878, became law. The object of the amendments will be perceived from the following extract from the Statement of Objects and Reasons appended to Bill No. 13 of 1889 (A Bill to amend the Indian Forest Act, 1878, the Burma Forest Act, 1881, and the Upper Burma Forest Regulation, 1887):—

"In 1884 the Bombay Government brought to notice that Section 41 of Act VII of 1878 was defective, and suggested its amendment on the ground that it limited the control of timber in transit to timber found in or brought from a forest, and gave no authority to require the taking out of a pass, under the rules for trees felled on fields in occupation of landholders, as was previously the practice. The amendment was again urged in 1887; and the Bombay Government represented that it was absolutely necessary, with a view to prevent the misappropriation of timber from Government forests, that the executive authorities should have power to control while in transit all timber, from whatever source obtained, and that, if timber brought from private holdings were to be exempted from the operation of the rules framed under Section 41 of the Act, the control of timber in transit would be rendered to a great extent ineffectual; for, directly any timber was conveyed outside the forest boundaries, it could be passed off as the produce of some private holding without the risk of detection. The Bombay Forest Commission also drew attention to this subject, and strongly recommended that the section should be amended in the interests of the cultivating classes no less than in those of the Government.

"The simplest way of meeting the difficulty is to modify the definitions of 'timber' and 'forest produce' so as to include all parts and produce of trees, and to subject to control under Section 41 all timber whether grown in a *forest or not*."

in transit is such as could not have been foreseen, and is due to no fault of the person in charge, it would not be equitable to enforce penalties. (L. R. No. 1646, dated 22nd December 1883; *vide* G. R. No. 470, dated 18th January 1884.)

4. The land transport of forest produce should not be interfered with more than is absolutely necessary to protect important interests, and the true principle to follow is to protect and guard the Government forests themselves. (G. I., H. D., No. 831-F., dated 5th November 1884; *vide* G. R. No. 9256, dated 22nd idem.)

5. Government have no power to direct that a pass or permit shall be required for moving cart-loads of wood within forest limits, and the proper remedy to prevent cart-loads going beyond forest limits without a pass is to watch the forests carefully as the Government of India have already pointed out. (G. R. No. 7322, dated 15th October 1886.)

6. If wood is brought into one forest from another, it has moved out of forest limits. (G. R. No. 1384, dated 4th March 1887.)

7. Land which is declared to be a reserved or a protected forest does not cease to form part of the village in which it was originally situated merely because it becomes a forest. Therefore, proviso (*c*) to No. 3 of the rules under Section 41 of the Forest Act dispenses with the necessity of a pass for timber taken from a reserved or protected forest to any other part of the same village in which such forest is situated. (L. R. No. 558, dated 3rd May 1886; *vide* G. R. No. 3806, dated 26th idem.)

8. Railway companies have not been exempted from the operation of the rules for regulating the transit of timber and other produce published under Section 41 of the Forest Act; and it is the duty of the Conservator of Forests to enforce obedience to those rules on the part of the Railway officials, and to seize and detain Railway wagons in which timber, or other forest produce, may be transported in contravention of them. Railway officials, like other persons, must comply with the provisions of the law. (G. R. No. 5663, dated 5th August 1889.)

PART XVI.—DRIFT AND STRANDED TIMBER.

1. Flotsam or jetsam, such as a cask, boat, table or raft, cannot be deemed to be drift timber within the meaning of Section 45 of the Indian Forest Act, 1878. The definition of the word "timber"* in this Act does not imply that cart-wheels, mortars, canoes, &c., are included in the term, but merely that all wood, that is to say, the vegetable product known as "wood," whether it has been cut and shaped for any purpose or is in its pristine form, is timber. For instance no one would describe a derelict as drift wood, though a floating spar, masts, boards or other parts of boats, beams, rafters, &c., from houses destroyed by floods, or which may have in any way been washed away, might without anything strange in the language be denominated as wood. (L. R. No. 1255, dated 21st September 1882; *vide* G. R. No. 6949, dated 6th October 1882.)

2. The following report No. 1100, dated 26th September 1882, by the Solicitor to Government was communicated to the Port Officer, Bombay, for information and guidance :—

"I don't think that timber which has been washed away from the bandars of the Bombay Saw Mills Company where it had been stored and driven on shore at Pir Páu, Trombay, and Island of Elephanta, is timber such as Act VII of 1878 is intended to refer to. That Act is entitled 'an Act to amend the law relating to forests, the transit of forest produce and the duty leviable on timber."

"Timber in Section 2 is defined† thus :—

'Timber includes trees and bambus when they have fallen or have been felled, and all wood whether cut up or fashioned or hollowed out for cart-wheels, mortars, canoes or other purposes or not.'

"It seems to me that the timber here spoken of means trees in forests, either before or after they have been cut up. Trees in the Indian forests were what the Act was intended to relate to.

"If my view is correct, then the Conservator of Forests was not the officer under Government to take charge of the timber in question.

"By Act VII of 1880, Section 71, wreck includes the following when found in the sea or any tidal water or on the shores thereof, viz. :—

'Goods which have been cast or fall into the sea and remain floating on the surface.'

"I do not think the timber in question (even if it come within the definition *goods*) can be said to have been cast or fallen into the sea.

"If the owners can identify the goods by marks upon them or other description, and can show that they were washed away from the bandars by a high tide, I think they would have the right to follow up their goods and get them back again, and that goods so circumstanced could not be considered a wreck' within the meaning of Act VII of 1880."

(G. R., Marine Dept., No. 469, dated 2nd October 1882, and G. R. No. 7238, dated 17th idem.)

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* Since this opinion was recorded by the Remembrancer of Legal Affairs, the definition of the term 'timber' has been slightly altered by Act V of 1890.

† Cf. the revised definition of "timber" given in Section 2 of Act VII of 1878 as amended by Act V of 1890, *viz.*, "Timber includes trees when they have fallen or have been felled, and all wood, whether cut up or fashioned or hollowed out for any purpose or not."

PART XVII.—OFFENCES, PENALTIES AND REWARDS.

1. It is very necessary that the interests of Government should be carefully preserved as regards all forest rights; and at the same time, some consideration is due to the inhabitants of tree-producing districts, who have for very many years enjoyed the benefit of collecting certain produce of the trees. It is most inexpedient to overcrowd the limited jails of the country with persons convicted of very petty forest thefts.

The Forest Officers have no practical acquaintance with judicial or magisterial trials; and comments on them which they may consider it their duty to make, should be couched in temperate and moderate language. (G. R. No. 5438, dated 6th September 1877.)

2. It is not expedient that the proceedings of the magisterial authorities should be lightly questioned by the Forest Officers. If in any particular case it is deemed necessary to appeal to the Sessions or High Court against any magisterial decision, that course will be adopted after Government have been convinced that there has been a substantial failure of justice. (G. R. No. 6651, dated 26th December 1878.)

3. Section 63 of Act VII of 1878 provides that any Forest Officer may arrest without warrant any person 'against whom a reasonable suspicion exists of his having been concerned in any forest offence punishable with imprisonment for one month or upwards.' He is bound to take or send any person so arrested before the Magistrate without necessary delay. Section 223 of the Indian Penal Code contemplates the 'keeping in confinement' a person who is 'charged with or convicted of any offence or lawfully committed to custody,' and not of a person who is arrested and taken at once before a Magistrate on suspicion of being concerned in any offence. A Forest Officer has no authority to keep in confinement any person charged with having committed a forest offence. A person who is arrested on suspicion by a Forest Officer cannot be said to be 'charged with having committed a forest offence.' Section 223 of the Indian Penal Code provides for a more serious kind of offence than such an act of negligence as that of a forest guard who negligently suffers a person arrested on suspicion of having committed a forest offence to escape, which can only be punished departmentally by fine, suspension or dismissal. (L. R. No. 1049, dated 5th September 1881; *vide* G. R. No. 5459, dated 21st idem.)

4. The Conservators of Forests should issue orders to their subordinates that, in cases coming under Section 63* of the Indian Forest Act when the nearest Magistrate's Court is at a distance from the scene of the alleged offence and a Police

* *Vide* amendment made in this section by Section 12 of Act V of 1890.

station is within convenient access, an accused person who is ready and willing to give bail should be taken for that purpose to the Police station.

The Police Superintendents should be directed in communication with the District Magistrates, to issue orders to officers in charge of Police stations requiring them in these cases to take bail in accordance with Chapter XXXIX of the Criminal Procedure Code. It is not desirable to increase the number of Police stations, merely for the sake of giving a wider operation to these orders. If a post is declared to be a Police station, it must be a Police station for all purposes, and the powers of the officer in charge of it cannot be limited to certain sections of the Code of Criminal Procedure. His Excellency in Council is prepared to declare any outpost to be a Police station, for which an officer can be found of sufficient position to be entrusted with all the powers which under the Code are assigned to an officer in charge of a Police station: but he cannot create Police stations which will be in charge of constables who are not qualified for the general duties of the post, merely for the purpose of providing officers who may take bail from persons arrested by Forest Officers.

(G. Rs., J. D., Nos. 1702, dated 4th March 1884, and 8297, dated 2nd December 1885, and G. M. No. 10364, dated 24th idem.)

5. A person cleared and cultivated a piece of land situate in a forest reserve. He was convicted and punished under Section 25 of the Forest Act. The crop, too, raised on the land was cut and attached. The question was raised whether the crop came within the definition of 'forest produce' as given in Section 2 so as to allow of its disposal under Section 55. The following opinion (No. 1060, dated 9th August 1884) was recorded by the Remembrancer of Legal Affairs:—

"The definition of the term 'forest produce' given in the Forest Act is not exhaustive, and reading the term in its ordinary sense it means anything which is produced in a forest, and it, therefore, includes, in my opinion, a crop raised in a forest reserve.

"2. I agree with the Collector that in the case he mentions the crop is the property of Government by accession, and, therefore, under Section 55 of the Act, may be taken charge of by a Forest Officer."

(L. R. No. 1060, dated 9th August 1884; *vide* G. R. No. 6910, dated 28th idem.)

6. A Forest Officer has power, under Section 63 of the Indian Forest Act, to arrest without warrant a person guilty or reasonably suspected of having cut without the requisite permission Government teak trees on occupied numbers, but at the same time as such teak is not forest produce he has not authority to seize it under Section 52 of the Act. The unlawful cuttings and loppings under the rule under Section 75 published in Government Notification No. 343, dated 15th January 1883, being the pro-

perty of Government can, however, be seized and detained, pending final disposal of the case, by the officers of Government under the ordinary criminal law like any other stolen property. (G. R. No. 9961, dated 11th December 1885*.)

7. It is not desirable to pass a general ruling empowering all Extra Assistant Conservators to authorise the institution of prosecutions for forest offences, but Government will be prepared to confer that power upon any experienced and intelligent officers of the Extra Assistant Conservators' grade on whose behalf special recommendation may be made. (G. R. No. 3452, dated 29th April 1884.)

8. The penal clauses of the Indian Forest Act are applicable in cases in which the rights of Government or private persons to or over land notified as reserved forest under Section 34 or the forest produce thereof have been enquired into, settled and recorded in a manner which Government think sufficient, as at a demarcation previous to notification or after the enquiry by a Forest Settlement Officer appointed under Chapter II of the Act. Government do not consider that prosecutions under the above-mentioned clauses will lie with respect to lands in which a proper forest settlement or demarcation has not already been carried out or which are still the subject of enquiry by the Forest Settlement Officer, and regarding which his report has not yet been submitted to and approved by Government.

The exercise of the greatest care and forbearance are absolutely necessary in the institution of prosecutions under the Forest Act. Criminal charges under the Act should only be preferred after warnings have been disregarded, and in cases where no reasonable doubt can exist that the offender has intentionally and knowingly transgressed the provisions of the Act, and has not merely ignorantly acted in accordance with previous custom or in pursuance of a right which he in good faith believed that he possessed.

(G. R. No. 2206, dated 26th April 1880, and G. M. No. 6618, dated 14th December 1880.)

9. The Conservators and Collectors should be reminded that unless notifications of reserved trees and restrictions on the collection of produce in protected forests are published under Section 29 (*a*) of the Indian Forest Act and rules as to the granting of licenses to remove produce are made under Section 31, the felling and lopping of trees and the collection and removal of produce are not offences under Section 32 of the Act. Attention should, therefore, be given to these matters as soon as the record of rights is completed in any táluka. (G. R. No. 8977, dated 14th November 1884.)

* Since this Resolution was passed, the definitions of "timber" and "forest produce" in Section 2 of the Forest Act, 1878, have been altered by Act V of 1890. 'Forest produce' now includes timber, whether found in, or brought from, a forest or not.

10. As regards the question whether under the provision in Section 5 of the Indian Forest Act quoted in the margin, a person who cuts a tree upon land which has been provisionally notified under Section 4, and is awaiting notification under Section 19, renders himself liable thereby to prosecution under Section 25 (*a*) and to the penalties provided by that section, Government are of opinion that the advisability of prosecuting in such cases would depend in each case very much on the respective rights of Government and the cutters to the trees, but under any circumstances the care and forbearance inculcated in Government Resolution No. 2206, dated 26th April 1880, in instituting such prosecutions should be exercised by the Forest Department. (G. R. No. 3977, dated 3rd June 1886.)

"And no fresh clearings for cultivation or for any other purpose shall be made in such land."

11. Pending the completion of enquiry into rights, Government do not desire to prosecute where there is a colourable defence that the accused person supposed himself to be in exercise of a right or custom. In cases where no such defence can be pleaded, prosecution may be allowed, for otherwise the Government forests would be without protection while enquiry is going on.

Moreover in the cases where prosecutions are not at present allowed, it does not follow that the rayats should be permitted to set at defiance orders which Government have issued on a reasonable view of their rights. Government may through their Forest Officers prevent the exercise by the rayats of asserted rights of which Government deny the existence, leaving the claimants to sue Government in order to establish their claims.

(G. Rs. Nos. 7844, dated 3rd October 1884, and 6425, dated 18th September 1891.)

12. It is most undesirable that ignorant villagers should be prosecuted in the Criminal Courts for taking from the Government forests a few twigs, or small branches, or a little brushwood of inappreciable value. Such injudicious severity on the part of the officers of the Forest Deparment is calculated to do more harm than good, and to excite widespread dissatisfaction and angry feeling. In no instance, at all events, should a person be prosecuted for a first offence of so exceedingly trivial a nature. A mere warning on the part of the Forest Officer would suffice. But if after being detected and warned once or twice the same person is again discovered cutting Government trees, the circumstances of the case would be altered, and wilful and repeated infractions of the law may form a suitable and proper ground for criminal prosecution. As far as possible, however, such prosecutions should be avoided, and recourse should only be had to them when real injury is being caused to the Government forests, and when there is good reason to believe that the offender is deliberately and of set purpose transgress-

ing the law. (G. R. No. 5730, dated 28th October 1880.)

13. The express object of Government Resolution No. 5730, dated 28th October 1880, was to check the institution of prosecutions on trivial grounds, and if the instructions are intelligently carried out, the result will be a marked decrease of prosecutions, and not an increase of unsuccessful prosecutions. When prosecutions are instituted on good grounds, it is important that they should be conducted with judgment and promptitude and the Conservators should take such measures as are within their power to secure this object, but they should at the same time see that the instructions contained in Government Resolution No. 5730, dated 28th October 1880, are thoroughly understood by their subordinates, and insist on their being intelligently caried out. (G. R. No. 7796, dated 22nd December 1881.)

14. The prosecution of petty offences against the Forest Act should be discouraged as leading to a great deal of petty oppression. His Excellency the Governor in Council would, therefore, press on all Magisterial and Forest Officers the necessity of using great caution and judgment in regard to such offences. For the benefit of the general public and the country at large, Government are bound to do all that lies in their power to recover the forests from the deteriorated condition into which, by the uncontrolled action of the villagers, they have fallen throughout the whole Presidency. In carrying out this policy efficiently, the villagers must be treated with a certain amount of firmness which appears to them harsh after the liberty they for so long enjoyed and abused, but Government trust that the Commissioners, Collectors and Forest Officers do, as far as they can, and in future will try still further to, act in a discreet and judicious manner. (G. R., J. D., No. 61, dated 6th January 1883.)

15. Forest conservancy will never be effective if the people who live in or near the forests are opposed to it; their co-operation may be enlisted by considerate treatment, while injudicious severity inevitably creates a spirit of antagonism. No Magistrate of ordinary intelligence would dismiss a case of wanton destruction of seedlings as trivial on the ground that the wood after being cut would fetch a small price, and the District Magistrates should take steps to prevent any such failure of justice. On the other hand, the officers of the Forest Department should be enjoined to act with discrimination in bringing prosecutions. In the Southern Division, no prosecutions are instituted without the approval of the Divisional Forest Officer, and the effect of this rule is said to have been very salutary. A similar rule should be enforced in the Northern Division. (G. Rs. Nos. 658, dated 25th January 1883, and 8810, dated 30th November 1883.)

16. The practice of instituting prosecutions in cases of trivial forest offences long after the commis-

sion of the offences is very objectionable and should be stopped. (G. R. No. 226, dated 10th January 1893.)

17. Forest Rangers and Foresters should be included within the definition of "Forest Officers" as given in Section 55 of the Indian Forest Act, VII of 1878. (G. R. No. 6008, dated 12th October 1881.)

18. The orders in Government Resolution No. 5730, dated 28th October 1880, should be strictly observed by all officers concerned, and should be applied to cases reported for departmental disposal by Forest Officers empowered under Section 67 of the Forest Act as well as to prosecutions in the Magistrates' Courts. Arrests and punishments of all kinds for *trivial* forest offences should be avoided. It must at the same time be remembered that the gravity of a forest offence is not always to be measured by the amount of actual damage done to forest property. When mischief of even small actual money value has been deliberately committed, or when there has been persistent infraction of forest rules, the breach of law is aggravated by the intention with which it was committed and the offender may properly be punished. But it is necessary that punishment should be preceded by judicial investigation and that in cases of the kind just noticed the intentions of the offenders as well as their acts should be weighed, on the consideration of evidence recorded under the sanctions prescribed by the law and after the accused persons have had opportunity for making their defence in the presence of the adjudicating officers. The Magistrates' Courts established in every táluka afford sufficient and accessible means for the trial of cases of forest offences in which Forest Officers may consider the infliction of punishment to be necessary, and the Governor in Council sees no reason in the circumstances of the forests of this Presidency that would call for the removal of such cases from the cognizance of the regular Courts and their reference to departmental tribunals specially constituted under the provisions of the Forest Act.

On the other hand, the Governor in Council is not prepared to accept at once the recommendation that the operation of Section 67 should be placed in absolute abeyance. The Governor in Council does not contemplate the punishment of *trivial* forest offences either through prosecutions in the Magistrates' Courts, or through departmental proceedings; but the Government would not object, in the case of offences in which substantial damage has been done to the forests, or the payment of forest dues has been evaded, under circumstances that do not call for the infliction of exemplary or deterrent punishment, to their being compounded by the acceptance of compensation equivalent in value to the damage done or the amount of the dues evaded. It appears that the provisions of Section 67 may probably be worked with benefit to the subject and

to the Forest Department in a number of cases, under the limitation above mentioned and provided that the proceedings of Forest Officers under that section are subjected to the supervision of the Collectors.

19. The attention of officers exercising the powers prescribed by Section 67 of the Forest Act is directed to the observations in paragraphs 5 and 10 of the report * of the Remembrancer of Legal Affairs, No. 1246, dated 25th August 1892.

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* *Extract paragraphs 5—10 of the report of the Remembrancer of Legal Affairs, No. 1246, dated 25th August 1892.*

"5. The alternative to payment of compensation is prosecution, and the suspected offender would necessarily be aware that he was liable to prosecution unless compensation is accepted. It rests with the suspected offender to elect whether he will await a judicial decision or tender compensation, and with the officer empowered to consider whether the tender should be accepted. Neither threat of prosecution nor demand of compensation is contemplated by the section.

"6. It is not, I trust, out of my province to note that the practice referred to in paragraph 10 of the Minute, under which 'sums realised as compensation are usually distributed as rewards among the forest subordinates who detected the cases', is utterly illegal, as even the Local Government has no power to direct rewards to be paid to officers and informers out of the sums realised under Section 67 as compensation. Such power exists under Section 75 only as to rewards to be paid out of *fines* and *confiscations* which must be regulated by rules. The Legislature has evidently not thought fit to give the Forest Department power both to assess and to distribute sums accepted in *compensation*.

"7. In the second part of paragraph 13 it is observed that the second sub-clause of Section 63 directs persons arrested for forest offences to be taken or sent without unnecessary delay before the Magistrate having jurisdiction. Section 12 of Act V of 1890 adds the words 'or to the officer in charge of the nearest Police station.' The power of arrest exists only where there is reasonable suspicion against the person arrested of his having been concerned in a forest offence punishable with imprisonment for one month or upwards. The Act gives no power of detention or restraint for the purposes described in the third part of paragraph 11 of the Minute, and for mere *cattle trespass*, unaccompanied by opposition to seizure, or by rescue after seizure except when it is permitted by the offender within the meaning of Section 25 (*d*) or Section 32 (*g*), it is difficult to see how there can be any power whatever to arrest.

"8. With reference to the part of paragraph 13 marked '3rd', I think there can be no doubt that Forest Officers have no power, and cannot be given power, to hold Panchâyats, accept bail or release on bail accused persons. A strict construction must be placed on Section 71, as on all enactments conferring special powers.

Maxwell on Interpretation of Statutes, 358 *et seq.*

"No special power is necessary to authorize Forest Officers to take the opinion of a Panchâyat for their own information or that of their superiors. But special power would be requisite and is not given to compel the attendance at such Panchâyat of the accused. The attendence of witnesses as to the amount of damage might be enforced by officers specially empowered in that behalf under Section 71 (*a*).

"9. There can be no doubt, as observed in paragraph 13, 4th', that the acceptance of compensation by officers not empowered by name or as holding an office to accept compensation s clearly illegal, and when payment to such unempowered officers is induced by threat of prosecution or by restraint, it night amount to an offence under the Indian Penal Code.

"10. No detention would be justifiable for the purpose of nducing a suspected offender to accede to a particular demand or compensasion, nor does Section 67 appear to contemplate any *lemand* even by an officer empowered to accept."

It is open to serious question whether some Forest Officers have not exceeded their lawful powers in making arrests and detaining offenders and in holding enquiries into alleged forest offences, as well as in paying rewards for detection out of amounts accepted as compensation. The attention of all officers concerned is directed to the observations on these points in paragraphs 6, 7, 8 and 9 of the report of the Remembrancer of Legal Affairs above referred to.

The attention of the officers of the Revenue, Police and Forest Departments is drawn to the remarks in Government Resolution No. 7232, dated 12th September 1892, regarding the treatment of cases of cattle trespass on forest lands, and the necessity is impressed on the Commissioners, Collectors and District Magistrates for the exercise of close and constant supervision over the proceedings of all officers subject to their authority in that and the other matters dealt with in this Resolution. (G. R. No. 7907, dated 6th October 1892.)

20. The remarks in Government Resolution No. 7907, dated 6th October 1892, purported to draw attention to the apparent illegality of what was supposed to be the practice of the Department, *viz.*, to apply sums realized as compensation for damages, as distinguished from fines, directly to the payment of rewards. They were not intended to be read as withdrawing from Forest Officers the power of granting rewards in accordance with the orders of Government out of funds provided for the purpose. (G. R. No. 3920, dated 30th May 1893.)

21. The principles set out in the marginally noted paragraphs 7 to 14 of the report of the Remembrancer of Legal Affairs, No. 1512, dated 17th October 1892, are in accord with the instructions conveyed in Government Resolution No. 7907, dated 6th idem, and have the approval of Government.

"7. One of the objects which Government evidently had in view in directing such departmental enquiry was to prevent compensation being taken in cases which a Court would treat as too trivial to call for punishment. In other words, the departmental enquiry is deemed necessary to ascertain in each case that the offer of compensation has not been improperly induced.

"8. The Act itself requires no enquiry whatever. The only limit which Section 67 (*a*) imposes on officers is a pecuniary limit. The Legislature presumably considered that a man would not be likely to offer more than he would expect to lose by a judicial decision. The suspected offender is left to judge for himself as to the adequacy of his offer.

"9. But, then, the Legislature presupposes that no demand will be made or pressure used on part of the officer empowered to accept compensation.

"10. The section, in empowering acceptance by implication, requires that the offer should originate spontaneously with the person suspected.

"11. If in practice it could be confidently expected that suspected offenders would always be left thus entirely to exercise their own free will and judgment, there might be little cause for fear that the sums offered and accepted would be unduly penal in amount.

"12. But since this ideal freedom of will is not invariably secured in practice, the only means to guard against the exercise of pressure by subordinates seems to be to require officers empowered to accept compensation to ascertain :—

(*a*) that appreciable damage has been done nd

The officers empowered under Section 67 of Indian Forest Act should, subject to the procedure laid down in the rules on the subject

(*b*) that the offer made is not disproportionately high.

"13. As pointed out in paragraphs 3 and 4 of my No. 1246 of 25th August 1892, the Legislature have left to the Executive Government the power of supplementing the Act in the regulation and control of Forest Officers.

"14. The Act itself implies that there should be no demand or pressure on the part of Forest Officers. It would be unnecessary and out of place to prohibit by rules action which the Legislature has by implication left unauthorized. But it is within the legitimate scope of rules to provide procedure to guard against such unauthorized action".

satisfy themselves by correspondence as to the facts in each case. They may properly take into consideration consequential or prospective as well as actual damage in deciding whether amounts offered should, or should not, be accepted as compensation for offences committed in stay of further proceedings.

The orders in Government Resolution No. 7997, dated 6th October 1892, indicate clearly the classes of offences which, in the opinion of Government, should be treated as trivial. The gravity of a forest offence is not always to be measured by the money value of the damage done to forest property. The Governor in Council is, therefore, unwilling to prescribe a limit of money value of damage done up to which an offence is to be considered trivial. Each case must be treated on its own merits on consideration of all the circumstances surrounding it. Uniformity of practice in this matter can be effectively secured by the exercise on the part of the Commissioners, Collectors and Conservators of due supervision over the proceedings of the Executive Forest Officers.

In cases of cattle trespass on forest lands, proceedings should ordinarily be taken under the Cattle Trespass Act, and whenever further proceedings against the offenders may be considered expedient, they should ordinarily be by complaint laid before a Magistrate.

(G. Rs. Nos. 8626, dated 3rd November 1892, and 1355, dated 17th February 1893.)

22. In cases compounded under Section 67 of the Indian Forest Act rewards may be granted in accordance with the following rule :—

Rewards to persons contributing to the detection of a case may be given up to a maximum in each case of Rs. 10 and within the limit of the sum realized by the Divisional Forest Officer, and above Rs. 10 and within the limit of the sum realized by the Conservator.

(G. R. No. 8568, dated 16th December 1887.)

23. It appears desirable that a register showing all cases of forest offences compounded by Forest Officers under Section 67 of the Forest Act should be submitted annually. It should form part of the ordinary annual report. (G. Rs. Nos. 8568, dated 16th December 1887, 866, dated 8th February 1888, 2280, dated 14th April 1888, and 5120, dated 31st July 1888.)

24. The operation of Section 67 of the Forest Act requires to be carefully watched, and any tendency

to have recourse to this mode of settlement in doubtful cases where the evidence would be insufficient to secure convictions before Magistrates, must by promptly repressed. "Reasonable suspicion" of the commission of a forest offence is essential in every case compounded under Section 67.

In future administration reports the Conservators should report for each district the number of complaints disposed of under Section 67 of the Forest Act, as well as the number of cases in which fines have been inflicted, also the number of appeals, if any, against decisions passed under Section 67 and the manner of their disposal. The reports should also show how many fines were inflicted amounting to one rupee, how many to two rupees, how many to three and so on up to the maximum.

(G. R. No. 1899, dated 13th March 1891.)

25. A Forest Officer duly empowered under Section 67 of the Indian Forest Act is authorized to accept *money* and not a *promise* to pay the same. If no money is paid and accepted by way of compromise under Section 67, the only alternative for the Forest Officer would be to prosecute the party concerned. The object of Section 67 is evidently to avoid the worry and harassment attendant on prosecutions, and at the same time to guard the interests of Government against present and prospective loss. The settlement to be effected under that section is essentially an amicable settlement, and it entirely depends on the free will and choice of the suspected offender on the one hand and the Forest Officer on the other. To import, therefore, an element of compulsion, such as the recovery of the money by revenue process, is distinctly opposed both to the letter and the spirit of the provisions of Section 67.

It is clear from the wording of Section 67 that the Forest Officer is not to complete the settlement of the case before receipt of the money agreed on, and that any settlement made by him on the mere promise of a suspected offender is null and void.

(G. R. No. 5905, dated 29th August 1891.)

26. The following is the latest order issued by Government to regulate the proceedings of Forest Officers under Section 67 of the Indian Forest Act:—

Every case of a forest offence should be reported at once by the Forest subordinate who becomes aware of it, to the Divisional Forest Officer through the ordidary channel on a form providing for the following particulars:—

(1) Date, locality, and brief description of the offence.

(2) Name, age, caste, occupation, and residence of the offenders, if ascertained, and brief note of what they have to say, whether they desire to compound, and, if so, what is in his opinion the sum for which they should be allowed to

compound (stating the reason for fixing the particular amount) and whether the offenders are willing to pay the sum in question.

(3) Value of damage done, property seized, or due evaded, as estimated by reporting officer, and whether offenders accept that estimate, or demand enquiry.

(4) Whether offenders have been arrested or not, and if so, to what Magistrate or Police-station they have been sent, and why arrest was necessary.

(5) Witnesses cited by either side.

(6) Whether any animals have been seized and pounded, and if so, amount of fees and charges recovered, and whether they were paid by the accused or by other people, so far as these particulars may be readily ascertainable.

(7) Any information the reporting officer may be able to supply as to previous warnings or convictions and other points bearing on the questions, whether any, or exemplary, punishment is needed.

(2). On this report the Divisional Forest Officer should ordinarily be able at once to endorse his order directing either that no further action should be taken, or that the offer to compound should be accepted, or that magisterial proceedings should be instituted and the Forest subordinate should thereon report the result. It is of course open to him to make enquiry himself or direct enquiry to be made in order to satisfy himself that the report is correct, if he thinks it necessary to do so but no unnecessary delay in deciding whether to accept the offer to compound or not should be allowed. The order to accept should specify the time within which and the person to whom payment is to be made, failing which magisterial proceedings will be taken. An order to take magisterial proceedings should provide for any further departmental enquiry which the Divisional Officer may consider necessary as a preliminary to doing so, and should such enquiry go to show that a prosecution could not be sustained, a further order to that effect may be passed. But it will not then be open to the Divisional Forest Officer to resort to proceedings under Section 67.

(3). The report form should be kept in ordinary duplicates, with appropriate headings and columns for the Divisional Forest Officer's register number and orders, and for the further or final reports, the leaves intended to be the office copies being bound and kept as the counterfoil and the loose leaves used for the reports. The bound books would thus form a current and permanent register of all the proceedings of that particular subordinate, which it should be his duty to produce for examination and check both to his own departmental superiors and to District officers visiting the neighbourhood of his beat.

(4). A register in corresponding form should also be kept by the Divisional Forest Officer in which particulars of each case as reported should be posted up with the orders passed on it. A quarterly abstract of this register should be sent to the Collector for inspection in the same way as magisterial returns.

(5). In every case in which the Divisional Forest Officer directs further proceedings to be taken, whether under Section 67 or magisterially, in a case in which pound fines and charges have been paid, the reasons for doing so should be clearly stated in the order.

(6). No order should be given to proceed under Section 67 in any case in which the Divisional Forest Officer would not be prepared to order magisterial proceedings to be taken under paragraph 2 above, in the event of the accused declining or failing, within a time to be fixed in the order, to comply with the terms of composition offered or agreed to.

(7). No restraint should be placed by subordinate Forest Officers on persons suspected of offences to be made the subject of these reports, except when they fail to satisfy the officer as to their identity and residence or when there is reason to fear they may not be forthcoming when wanted. In such cases the officer concerned should, if the case is one in which in his opinion further proceedings (apart from mere impounding of cattle) are necessary, arrest the offenders and send them to the nearest Magistrate or Police-station as required by Section 63, making at the same time the usual report to the Divisional Forest Officer. Cases in which the accused has been arrested as above should take their usual course without waiting for the orders of the Divisional Forest Officer. But in case an order to compound is received at any time before such a case is disposed of by the Magistrate having jurisdiction, the Magistrate should be informed of it and asked, if the accused complies with its terms, to discharge him under Section 67 (2).

(8). The reports proposed above should be prepared by the forest subordinate himself if he can write; if not, by his immediate superior, to whom the facts may be reported verbally if he is within reach, or by the village Kulkarni or Talâti, and when the accused is in attendance, should be read over to him, and countersigned by the Pâtil in token that this has been done before despatch. Any objection the accused may take should be noted.

(G. Rs. Nos. 4516, dated 15th June 1895, and 6102, dated 10th August 1895.)

27. All fines under the forest law when levied by Magisterial authorities should be credited to "Law and Justice," and when levied by Forest Officers without the interposition of the Magistrate

to Forest Revenue. (G. I. No. 2-F., dated 24th January 1867; *vide* G. R. No. 513, dated 9th February 1867.)

28. The words "fines and confiscations" appearing in Rule I of the Rules published under Government Notification No. 5587, dated 18th October 1879,* do not include compensation for damage done to forest property. (G. R. No. 3191, dated 15th May 1882.)

* Printed at page 133 of the Compilation of General Rules.

29. The order of the trying Magistrate is not necessary under Rule 1 of the Rules under Section 75 of the Forest Act, 1878, to enable a reward to be granted; it is only required to allow a reward in excess of one-half of the proceeds of the fines and confiscations in a case to be given. (G. R. No. 3827, dated 12th June 1888.)

30. It was intended by Rule 1 of the Rules under Section 75 of the Indian Forest Act for the grant of rewards to the officers and informers through whose instrumentality conviction is obtained in forest cases that the action of the magistracy should be confined to directing, when it is thought fit, that a larger amount than one-half of the proceeds of fines and confiscations shall be paid as rewards, and that the distribution and apportionment of the rewards should be left to the Conservators of Forests. (G. R. No. 7717, dated 20th October 1893.)

PART XVIII.—BOUNDARIES, BOUNDARY MARKS AND FENCING OF FORESTS.

1. Prickly-pear should not be used for fencing when any other description of hedge is available. (G. R. No. 2169, dated 7th May 1870.)

2. In the matter of planting prickly-pear it seems to Government that, while large sums are paid for its eradication throughout the Presidency, it would be very unwise to introduce it as a live boundary fence to forest reserves. It might possibly answer the purpose of checking the spread of fires in forests, but at the same time it is a plant so easily spread, and so difficult to eradicate when once it has taken root, that Government cannot countenance the idea of using it as a fence for forests. (G. R. No. 1924, dated 25th March 1876.)

3. Care should be taken to practise economy in the erection of the longer description of boundary marks in forest. There is no necessity for their being so near together as at intervals of a hundred feet. It will be advisable that the one on each side of it should be visible from each of these. With this exception, all intermediate bends may be denoted by smaller marks. (G. R. No. 4082, dated 23rd August 1871.)

4. The boundary marks of interior survey numbers of a forest block may be allowed to fall into disrepair, the boundary marks on the outer boundary of the outer survey numbers on the forest reserve boundaries being annually inspected and repaired. (G. R. No. 6626, dated 7th November 1877.)

5. Government wish to impress upon the Forest Department the desirability of proper demarcation fencing and guarding of plantations and forest reserves. The mere fact that a few seeds have been sown in a portion of a gairán is not sufficient to entitle a Forest Officer to treat as trespassing, and to send summarily to the pound, cattle which may happen to enter that part of the gairán. There must be some outward and visible sign of closure of gairán in the shape of fences or watchers. In future when a portion of a gairán has been prepared for closure by the Forest Department, the Forest Officer should report the fact to the Assistant Collector, who will take measures to ascertain if the necessary fences have been erected, and if satisfied on this point will then give orders for the closing of portion of gairán. No cattle should be allowed to be seized or impounded by the forest guards until the formal orders, as above directed, by the Assistant Collector for the closure of the land have been issued. (G. R. No. 1866, dated 10th April 1880.)

6. The most effectual means of protecting the reserved forest areas from the intrusion of cattle is to fence them properly. The measure is costly and requires time, but the officers of the Forest Department should at once take the work in hand, and push it on as speedily as possible.

Some degree of tact and discretion must be displayed by the Forest Officers in cases where cattle are found straying or grazing in the closed reserves. In the case of first offence, it will ordinarily suffice to turn the cattle out and warn the owners. In the case of a second offence, impounding the animals would be justifiable, and would probably be the only way of convincing their owners that the conservation of the forest was intended to be real. (G. R. No. 2437, dated 21st March 1885.)

7. Government do not desire to prevent Forest Officers from impounding animals which are deliberately driven into reserved forests or are allowed through wilful negligence on the part of their owners to stray into such forests, but full consideration should be given to the fact that, while the forests are not closed by fences it is very difficult to hinder cattle from occasionally entering them, and it is not in the interest of the Forest Department to irritate the people by impounding their cattle for light reason. If the subordinate officers adhere strictly to the following practice described by the Conservator of Forests, Northern Circle, there will be no cause for complaint:—

"Cattle which are not properly cared for by their owners, and are not fed by them, but are allowed to pick up a subsistence by pilfering food whenever they can, richly deserve to be impounded when they come into a plantation or into an improving forest. Cattle deliberately driven into property not their own, or into property known to be 'closed', by lawless Dhangars and other owners of cattle likewise deserve to be taken to the pound. Cattle which are habitually kept under control, but through accident have strayed, or for the presence of which inside a closed forest there may be a reasonable excuse, are not, as a rule, impounded, but the owners are warned to be more careful of them in future." (G. R. No. 5763, dated 17th July 1885.)

PART XIX.—FUEL AND FODDER RESERVES.

1. Government do not approve of the principle of giving grass kurans to the Police. (G. R. No. 4078, dated 23rd November 1867.)

2. The Forest Conservators are throughout the Presidency to be allowed, subject to the approval of the Commissioners, to select such kurans as they may deem suitable for fuel reserves. In course of time it is hoped that all kurans naturally adapted to the growth of wood may eventually be planted, and without hindrance to grazing. They should be selected in rotation. After the first year it will probably not be found necessary to exclude cattle. (G. R. No. 3756, dated 6th August 1870.)

3. Government must impress upon all Collectors and Forest Officers the great necessity there is of establishing fuel plantations in the vicinity of large towns. It should be the object of the Forest Department and the local Revenue Officers to utilize in this way every available piece of ground, and the latter should consider it part of their duty to sow and plant with bábul, bambu, or other useful trees the sides of all roads and cart-tracks. The duty of the Forest Officers in this matter is confined to advising the local Revenue Officers, and is not to extend to actual conservation. The work of planting road-side trees of a kind which require fencing and watering can best be done by the Revenue Department through the agency of the village officers; but it should be the special business of the Forest Department to look after other descriptions which do not require special tending. (G. R. No. 5195, dated 17th October 1871.)

4. The duty of Forest Officers should be considered to be confined in such cases as those mentioned in the foregoing order to advising the local Revenue Officers, and should not extend to actual conservation. (G. R. No. 5716, dated 15th November 1871.)

5. It is not the wish of Government that isolated kurans at a distance from large towns should be made over to the Forest Department with a view merely to its receipts being swollen from grazing fees or from the sale of the grass. It is only where the Forest Department intends *bonâ fide* to plant in order to supply the fuel requirements of the country that its claims to the management of kurans in the plain villages will be admitted. (G. R. No. 5190, dated 29th September 1874.)

6. The sale-proceeds of grass from lands under the management of the Forest Department are best collected by the village officers. (G. R. No. 3275, dated 31st June 1879.)

7. The attention of the Government of India has been called by various reports and statistical returns from the Upper Provinces to the growing decrease in the area of grazing lands and wooded tracts in many parts of Upper India. These re-

marks have special reference to the provinces of the Punjáb, the North-West and the Central Provinces inclusive of the Berárs. The grazing land in these provinces has not only diminished in area, but has also deteriorated in quality and changed in character, the latter result being partly due, as will be presently explained, to the excessive grazing which the reduction in area has made necessary. Efforts have been made both by the Local Governments and district officers, especially in the Punjáb, to meet the difficulty; but it appears necessary that more systematic measures and arrangements should be undertaken than have yet been instituted in any province. The Famine Commissioners have not omitted to give prominent notice to the subject in Part II of their Report quoted.

(2). The decrease of the area of culturable waste is a natural consequence of the increasing numbers of the agricultural population, by whom a continually extended area of arable land is required for the plough. The argument, indeed, has been brought forward that the grazing lands and jungles, of which the cattle of the country have been deprived by the encroachments of agriculture, can be profitably and efficiently replaced by fodder crops, and that such has in fact been the case in many countries in which agriculture is more fully developed. But it is doubtful how far it is wise to allow this agreement to be applied at present to the Upper Provinces of India. The one fact that these regions are subject to droughts of a character unknown in the western hemisphere places them on an entirely different footing from those civilised countries with the agricultural system of which we are most familiar. In a season when a failure of the monsoon causes the destruction of crops which supply food for men, those crops also upon which cattle depend are equally liable to perish. It is only in tracts which are thoroughly irrigated that any safe reliance can be placed upon a supply of artificially raised fodder, or that a system of stall-feeding can be expected to preserve the lives of the cattle. Tracts so protected form at the present time a small proportion of the agricultural area of Northern India.

(3). The history of the famines and droughts which have occurred during the present century, and especially in late years, is replete with painful accounts of the wholesale destruction of cattle by starvation and the failure of the fodder supply. It may be doubtful whether the loss which the agricultural population has thus sustained has always been fully appreciated. At a time when they have been deprived by a failure of the rains of a great portion of the produce of one or more seasons, they have also had taken from them, in the destruction of their plough-labour, the means of recouping their loss in succeeding years. The late famine of 1877 has furnished many examples of this kind. Accounts have reached the Government of India of the serious deterioration of the agricultural pros-

perity of many tracts which, there is every reason to believe, would now be in a flourishing condition if the cattle could have been saved. On the other hand, instances have been brought forward in which the existence of a sufficient area of grazing land has, in districts most affected by the drought, both preserved the cattle and secured the agricultural population from prospective loss.

(4). It is desirable at this point to explain that the term 'grazing land' as herein used is not to be restricted to land which provides nothing but the ordinary pasture of a grass plain. Such land is often affected just as seriously by a drought as the unirrigated area of cultivated land. Grazing land is here intended to include those wooded tracts and jungles which provide bushes, trees, and herbs from which cattle can obtain a plentiful supply of fodder, even at times when the grass on open ground is dried up and destroyed. There are many trees and many bushes which, drawing upon a supply of moisture below the surface of the earth, can maintain their life and vigour when the shallow-rooted crops and grasses are parched and withered. And this is not all. It has also been ascertained that the grass itself which, on an exposed surface, would succumb to the drought is, in the cooler atmosphere occasioned by the shade and protection of trees and shrubs, saved from destruction.

As, moreover, there is, apart from the question of fodder, a distinct agricultural advantage in maintaining throughout the plains of Upper India a supply of wood for fuel and domestic purposes, the term used in the following paragraphs of this Resolution to designate grazing lands will be that of fuel and fodder reserves.

(5). A further effect of the absence of proper food after a period of drought is that the cattle, which have been starved for weeks, feed too greedily on the young shoots of the millets that are sown with the first showers of rain or on the coarse grass that springs up on the return of the monsoon. The excess of food to which they have been unaccustomed induces a rapidly fatal disease which has carried off thousands of animals in many parts of India.

(6). Cattle perished in large numbers from want of fodder in the droughts of 1877 and 1880; while, on the other hand, cases have been noted in which they were saved by being fed on bushes and leaves of trees. In Rohtak, for example, no less than 250,000 beasts are said to have died, or about one-half of the whole cattle of the district. This was in 1877. In 1880, 15,000 cattle are reported to have perished in the district of Jhánsi, while many others were only preserved by the bushes in the ravines or by fodder obtained from trees. In the same year, large numbers of cattle were in the Allahabad Division kept alive by being taken to the forest tracts of Banda, while throughout the division all the available trees were stripped of their leaves.

(7). The examples to which reference has now been made are sufficient proof of the necessity of taking some action for the protection of the cattle of the country against drought. The facts brought forward seem to prove that at present the agricultural population will not or cannot themselves take sufficient precautions to provide against exceptional occurrences. They trust to accident or to assistance from the Government. But in this matter little or no help can be afforded unless systematic arrangements are made in advance, and continuously maintained, under which a supply of fodder in a year of drought may be secured. It is necessary, therefore, to consider in what form system and continuity can be most advantageously established; and it is on this point that the Government of India is mainly desirous of obtaining the advice and co-operation of Local Governments.

The general outlines of the scheme which commends itself to the Government of India as most likely to secure the desired results, and which from enquiries already made appears likely to meet with the most general acceptation, will be briefly described in the following paragraphs.

(8). The general control and administration of the measures with which this Resolution is concerned should be primarily in the hands of the local officers, *viz.*, the Commissioner, the District Officer and his subordinates in charge of sub-divisions. The official channel through which the Government would communicate with the Divisional and District Officers would be the Agricultural Department, which would be responsible for providing the Government with advice and information and for maintaining continuous action. The actual management of the lands set apart for the supply of fodder and fuel would be placed in the hands of Forest officials, who alone can be expected to establish and maintain without interruption a scientific system of treatment.

(9). In order to satisfy the above conditions, it would be necessary, in each district or division in which operations are likely to be sufficiently extensive to require scientific management, that an officer of the Forest Department should, when financial circumstances admit of this being done, be placed under the orders of the District or Divisional Officer. He would work entirely under the orders of the Civil Officer, who would, however, refer questions of a professional or technical character for the advice of the Chief Forest Officer of the province or circle. In many districts the necessary staff exists already, but in others new posts will have to be created.

It must not, however, be expected that arrangements can be made, financially or otherwise, under which every district or division can, in every part of the Upper Provinces in which the measures would be useful, be supplied with a separate Forest Officer for the work contemplated. It would indeed be

extremely unwise to enter upon any expensive organization until much more experience and information has been acquired. It is only therefore for those regions in which grazing lands are disappearing at a rapid rate, or in which history has shown that drought causes extensive destruction of cattle, that any application for the services of special officials would at present be entertained. It will probably be considered sufficient if at first a Forest Officer is attached as Assistant to the Commissioner in one or two of the divisions in each province in which protection is most required.

(10). In the meanwhile the serious duty will devolve upon the district officers of ascertaining how far the cattle need protection, and the extent of land, whether the property of Government or purchasable from landowners at a reasonable price, which can be made available for fuel and fodder reserves. For this purpose an analysis of every district should be made by the local officials which will show its need for protection against drought, and the extent to which land is available for fuel and fodder reserves. They may also be directed to enquire how land can be most advantageously secured for the required purposes in districts where a sufficient quantity of Government land is not available, how far the landholders themselves or Local Boards will be able to co-operate with the Government in the matter, and at what cost suitable areas can be procured.

(11). The Agricultural Department will probably at present be most usefully employed in ascertaining by actual experiment, and in consultation with the Forest Department, what are the best means of bringing waste lands into a condition in which they can most economically provide a supply of fodder in a year of drought, and in what way they can in ordinary years be most profitably employed. The Department would also superinted, in correspondence with Commissioners, the analysis required by the preceding paragraph, and would review for the Local Governments the reports received from each Division. The same Department may also ascertain whether any system of stacking hay or storage fodder can be established, or whether it may not be useful to close grazing reserves for a portion of the year, especially when other fodder, such as the stubble of newly reaped crops, is available. For if grass reserves are only thrown open when no other food is available, the grass will have the requisite opportunity to make head, and will thus provide a much more ample supply of fodder than if exposed continually to desultory grazing. Enquiries of this kind will fall within the scope of the Agricultural Department.

(12). This Resolution is not the place in which the treatment of land required for conversion into fuel and fodder reserves can be considered in any detail. But the opportunity is taken to give expression to the opinion of the Government of

India that little real good can be effected unless the reserves are, at any rate for some years, brought under the control of Government and systematically protected against the invasion of goats, cattle, and fire. It appears to be a matter susceptible of proof that a protected area will, besides giving security in a year of drought, afford over a certain number of years a considerably larger amount of fodder than an unprotected area of equal extent. It seems probable that the difference is sufficiently great to admit of a hope that fuel and fodder reserves can, in a large number of instances, be made financially successful. The importance of this view deserves some further examination of the question. The following illustrations may therefore be adduced in support of the view which has now been brought forward. In his Administration Report for 1879-80 the Inspector-General of Forests shows in the following words the results of protecting grazing lands :—

"In all except the most arid tracts, or where denudation has been complete and of long standing, mere protection, aided by sowing and planting in suitable places, has the effect of gradually clothing the ground with trees and shrubs. What appears is this :—the old stumps and roots in the ground produce shoots ; seeds which have been lying in the soil, and seeds brought by the wind, germinate ; the shoots and seedlings, which without protection would have been destroyed by the fire or eaten by the cattle, grow up ; and wherever there are sufficient remains of the old forest growth in the ground the result is most remarkable! The difficulty consists in this—that new reserves must be formed, and that during the first few years this unavoidably entails some restrictions in the matter of grazing. At first the protection of the areas selected must be absolute, and the people in the vicinity can neither be permitted to burn the grass nor graze their cattle in these areas. But the grass which grows up abundantly can be cut, and thus furnishes abundant cattle fodder until the forest is sufficiently advanced to admit of grazing."

(13). In Ajmere the results of enclosing areas, hitherto barren, with the object of securing fodder for cattle in times of drought are already remarkable.

After five years' conservation there is much in these forest reserves to encourage us ; the appearance of the hills and country-side in these tracts is quite altered. The people even have begun to recognize the advantage to be obtained by the experiment we have introduced. We have been blessed with another year of plentiful rainfall ; the undergrowth has become in places in Merwara nearly impenetrable, and in the ravines and valleys I have been surprised to see the number of fine young trees springing up. Our great enemy now is fire.—*Ajmere Forest Report*, 1879-80.

Grazing is strictly prohibited, but the villagers are allowed to cut and carry off the grass on pack animals. The cash receipts are at present small, but the benefits which the people indirectly enjoy from these reserves are very considerable.

(14). Again, in the North-Western Provinces, various experiments have, for three years, been con-

ducted by the Agricultural Department, with the view of reclaiming *usar* or *reh* land, *i.e.* land rendered more or less unculturable by the excess of salts in the soil. It has been found that the simple expedient of enclosure is more efficacious than any other operation. The natural grasses which, so long as the land is accessible to cattle and goats, are nibbled down as fast as the young shoots appear, spread in the enclosed areas at a rapid rate over the worst land. After two years, experimental cuttings gave a result of 20 maunds of good hay per acre—an outturn which on a square mile would suffice to feed 1,000 cattle for three months, exclusive of the bushes and trees which, there is good reason to believe, can be grown when once the grass is well established.

(15). The terrible devastation caused on unprotected land by sheep, and the impossibility of recovering forest and undergrowth once lost so long as the land is exposed to the grazing of sheep, is forcibly brought out in a late report by Mr. Boppe, Inspector of French Forests, on the forests of Scotland. His remarks on the greater value of land for purposes of grazing after enclosure are, in connection with the suggestions made in paragraphs 11 to 13 of this Resolution, especially deserving of notice. The present barren condition of the greater part of the waste lands of Scotland is attributed by Mr. Boppe almost entirely to one animal—the sheep. There is very strong ground for believing that the goat, which may be said to take the place of the sheep in India, has been the one chief cause of the present barrenness of large tracts of country in Northern India.

Extensive areas now bare are known to have been once covered with a rich growth, if not of forest, still of scrub and grass that would, if not destroyed, have formed a rich pasturage; animals may not have been the original cause of the disappearance of the vegetation, but they have been the constant cause which prevents renewed growth. No more striking instance, indeed, of the effect of the natural recovery which ensues when goats and cattle are excluded, can be found than in a comparison between those hills in Ajmere which have for four years only been enclosed, and those which have remained open to goats and cattle during the same term. The first are covered with an almost impenetrable thicket chiefly composed of shoots edible by cattle. The second are practically devoid of all vegetation, and appear to be mere heaps of rock and stone.

(16). If the conclusions indicated by the facts and arguments adduced in the preceding paragraphs can be accepted, the objection which has not unfrequently been brought forward to the occupation of grazing lands on the score of the inconvenience suffered by the adjacent population in being deprived of their cattle pasture, is greatly diminished. The occupation is only temporary. The inconvenience which is temporarily occasioned to the agricultural population is due to

their own action in diminishing the efficiency of their grazing lands by an improper use of them. The Government propose to do no more than restore, and, if possible, to increase the efficiency which has been lost. The measure contemplated will, it is believed, result in a future supply of fodder which will be far larger and far more certain than that of which the owners of the cattle have been deprived. In this view it may be even found desirable to attach for conversion into fuel and fodder reserves, land which has been broken up under the plough, but which as fodder reserves would be more profitable in preserving cattle from starvation, than in growing crops which are subject to failure in a year of drought. (G. I., R. & A., No. 16-A., dated 1st March 1883*; *vide* G. R. No. 2515, dated 28th idem.)

8. The Government of India has had under its consideration the question of the expediency of securing lands near new lines of rail, and especially lands in the vicinity of new railway stations. It has been argued that at the time when a tract of country in which a new line of rail is about to be constructed is brought under preliminary survey, lands adjacent to the alignment might be obtained at rates at which it would probably be impossible to purchase them subsequently, since cases in which the value of land contiguous to railway stations does not rise materially, are probably rare.

The question is deserving of consideration in connection with the establishment of fuel and fodder reserves, and with the provision of areas suitable for the location of camps and the grazing of cattle in time of famine. It is also possible that the reservation of areas on some lines of communication would be useful to the Military authorities as affording suitable depôts and grazing lands for transport animals, and as providing supplies of fodder for cavalry. Under these circumstances the Governor General in Council desires that when any railway project is sanctioned, a report may be submitted to show whether any suitable land is available at cheap rates, and whether, if so, its acquisition is desirable. In most cases in which lands were acquired for fuel and fodder reserves their management would devolve on the Forest Department.

(G. I., R. & A., No. 132 A—50-34, dated 27th November 1885; *vide* G. R. No. 151, dated 11th January 1886.)

9. Although the question dealt with in the circular of the Government of India No. 132 A.—50-34, dated 27th November 1885, arose out of a demand for wood for consumption on a railway, an object which might tend to the greater consumption of fuel, yet it was not intended by the circular that

* The term "fodder" as used in this Resolution is intended to comprise all edible bushes and trees which in years of drought are likely to be of more value than grass and shallow-rooted crops. (G. I., R. & A., No. 53 A—50-3, dated 8th May 1885; *vide* G. R. No. 4432, dated 3rd June 1885.)

such should be considered as the main or indeed as a necessary object of the occupation by Government of lands near railway stations. The maintenance of such reserves was commended chiefly in consideration of their utility in the event of drought, when they might be expected to furnish a supply of fodder, whether in the form of grass or of shrubs and trees, utilizable as food for cattle, or again in time of war or other military emergency, when they would, from their position on the railway, be a convenient source from which fodder (or fuel) could be exported for military purposes. (G. I., R. & A., No. 588-F., dated 30th June 1887; *vide* G. R. No. 4955, dated 25th July 1887.)

10. The objects of forming fuel and fodder reserves along lines of railway are two-fold. The first is to secure for Government any easily available land of which the value may, in future years, be considerably enhanced by its proximity to the railway. The second, to establish on any such tracts, until required for other more necessary purposes, a supply of fuel and fodder, which may be easily transported to centres where it may be useful to the Military or Civil authorities.

It will be easier to give effect to the scheme on new or projected railways, especially the latter, than on older lines; and the Director of Land Records and Agriculture should make a review of all suitable lands available for the purpose along recently constructed or newly projected lines, and require maps to be provided of any plots of which the acquisition may be considered desirable. Some misconception has existed in more than one province as to the character of a fodder reserve. It is presumed that a grass tract would afford no material supply of fodder in a year of drought, and would be equally liable to failure as an ordinary fodder crop on dry land. Such would be the case if grass alone were grown. But if fodder trees and bushes were encouraged, these would not only themselves withstand a drought, in consequence of the deeper roots drawing moisture from below the parched surface, but they would also protect a considerable portion of grass under their shade.

A brief statement of the measures taken in accordance with the above recommendations should be included in each Annual Report of the Department of Land Records and Agriculture. (G. I., R. & A., No. 22-F., dated 11th October 1888; *vide* G. R. No. 7518, dated 12th November 1888.)

11. Railway administrations should co-operate with the Local Directors of Land Records and Agriculture with reference to the formation of fuel and fodder reserves along lines of railway, and render any assistance in their power in dealing with this question. The Director of Land Records and Agriculture should be kept informed by the Public Works Department, Railway, of any new railway projects that may be undertaken in future

with a view to enable him to prospect the land for fuel reserves and to make any proposals which may appear feasible and likely to give a good return. (G. I., P. W. D., No. XI (Railway), dated 5th September 1888; *vide* G. R., P. W. D. (Railway), No. 2033, dated 2nd October 1888; and G. R. No. 715, dated 28th January 1889.)

12. In their Resolution No. 16-A, dated 1st March 1883, the Government of India asked for the advice and co-operation of Local Governments as to the action which should be taken for the better protection of the cattle of the country during seasons of drought, and at the same time indicated the general outlines of the scheme which appeared most likely to secure the desired result.

(2). This scheme, while seeking to encourage the people to store more carefully the grasses produced in their fields, and, where possible, to store hay, had for one of its principal objects the extended growth and reproduction of the fodder trees and bushes on which Indian cattle are so largely dependent for food-supply in years of scarcity. The question was asked whether, in some cases, land could not be purchased for the above purpose, and information was called for which would indicate how far the cattle in each district required protection, the extent of waste land available, and the best means of managing any land which could be set apart for the purpose.

(3). The Government of India are convinced, from a perusal of the reports received, that the subject deserves to be further analysed, and studied in greater detail, before it is safe to draw any final conclusions.

(4). The lands of each province may, for the purpose of this Resolution, be ranged under three classes, *viz.*:—

1. Cultivation.
2. { Pastures. / Fodder reserves.
3. Forests, properly so called.

(5). The Government of India accept the proposition that no impediment should be offered to the extension of permanent cultivation wherever the welfare of the agricultural communities demands it. It is only in cases in which the expansion of arable land is less profitable or—unless protected by a sufficient area of pastures, fodder reserves and forests—is unsafe, that restriction is required. While it is true that in some richly irrigated tracts no grazing or fodder reserves and but few forests are required, and that it is more profitable to grow what food the cattle may require in the cultivated fields and to import timber and other forest produce needed by the population, it is equally true that in other less favoured localities the profitable continuance of agriculture depends upon the existence of grazing lands, of fuel and fodder reserves, or forests.

(6). It must first be considered to what extent "pastures," "fodder reserves," and "forests" are required in each locality in order to meet public wants and to secure the proper protection of agriculture or the full efficiency of agricultural operations; and an analysis of each district should be made in special regard to this question.

(7). The next question is that of the management of areas brought under treatment in each class. The general principle which applies to all of them is that they should be permanently maintained in such manner as to provide a maximum benefit to the adjacent population at a minimum cost to the State. Their management must, therefore, be conducted on mercantile principles, so far as these are consistent with full regard to proved and acknowledged rights. With this proviso, the produce of the areas taken under management should be disposed of at market rates to be fixed from time to time with due consideration of the local demand and supply, and any other circumstances affecting the value of the produce.

(8). By *pastures* are meant grazing lands from which cattle, including sheep and goats, are not to be otherwise than temporarily excluded, but which are to be brought under a definite system of management. What that system should be is a question which requires enquiry and perhaps experiment in each locality.

In some cases it may be found necessary to close lands selected as pastures against grazing during part of the year, opening them only when the annually recurring scarcity of fodder begins: in others a longer period will be required for the recovery of the grass, while in certain tracts it may be found expedient to divide the pasture lands into blocks, opened in rotation, in which the number of cattle admitted will be restricted in accordance with the supply of grass by the imposition of sufficiently high grazing fees or otherwise.

The methods to be adopted will, however, vary from district to district, and the Government of India are content at present with an expression of their desire that an investigation should be set on foot and continuously maintained, and that the responsible authorities should not, on the recurrence of a fodder famine in any district or tract, be exposed to a charge that the requirements of the locality, in connection with the maintenance of a fodder supply, had not been seriously investigated and considered in each case. It is hardly necessary to add that the system of management should be such as to exclude, as far as possible, all interference on the part of subordinate officers.

(9). *Fodder Reserves* are lands in which, while the yield of grass is improved, the growth of fodder other than grass—*e.g.*, bushes and trees edible by cattle—is promoted, and which must, for the attainment of this object, be, except in years of great

drought, absolutely closed against grazing, the fodder being cut and collected. Their future treatment requires observation and study.

The advantages of such reserves are that, under proper treatment, the average supply of fodder, whether in the form of plants, trees or grasses, is larger than under the system of open grazing; that a judicious system of supplying leaves and lopped branches to cattle will maintain a continually increasing supply of fodder without injuring the bushes or trees; that the grasses will, in the form of hay or cut fodder, produce annually more food than if grazed during the period of growth; that in years of extremity, when cattle are admitted to the reserves, fodder bushes and trees, being able to withstand long-continued drought, afford a supply of food upon which the cattle can fall back when grasses and more shallow-rooted plants are burnt up by the heat; and, finally, that the grasses themselves will be cut and stacked so as to form a store of food when the growing vegetation in the open grounds has been exhausted.

(10). By *forests* proper are meant lands which have been set apart primarily either for the production of timber, fuel, and the other products of tree-growth, or for the protection of hillsides, but forests may also be constituted and maintained for other cognate purposes connected with the public welfare. In many cases their importance is felt beyond their immediate neighbourhood, within such limits as it is possible to transport timber or other trade-products from them with profit; but they may also serve to supply the surrounding agricultural population with fuel, small building and other wood, grass, and minor produce, and in some cases with grazing lands. It is important that, consistently with a rational treatment under which they fulfil the primary object for which they were set apart, forests should be made to supply the needs of the adjacent residents to the utmost extent.

(11). The enquiries and investigations called for under this Resolution form part of the agricultural analysis which, in the 9th and 10th paragraphs of Resolution No. 6—340-50-G., dated 8th December 1881, Agricultural Departments were required to institute. It was there laid down that Agricultural Departments should, district by district, ascertain the causes which, especially in years of drought, had tended to interfere with "agricultural efficiency," and that, when those causes had been ascertained, remedies should be suggested and, where possible, provided. The instructions contained in the paragraphs above quoted have not in some provinces been sufficiently understood or carried into effect, and the Government of India take this opportunity of requesting that a serious commencement may now be made by Agricultural Departments in setting on foot in each district, in communication with Revenue and Forest officials, the agricultural analysis contemplated in the Resolution of 1881, so

far as it includes the provision of an adequate grazing and fodder supply.

(12). The question of increasing the area of wooded land, in connection with the general improvement of agriculture and the increase of the manure supply, is one which it will be necessary to bring under further discussion on receipt of the final report from Dr. Voelcker, the Consulting Chemist to the Royal Agricultural Society of England. In the meantime, attention is directed to the remarks on the subject contained in Dr. Voelcker's Preliminary Report, which was distributed with Circular No. 2—26-4-A., dated 30th January 1891.

(13). It is, in the opinion of the Government of India, advisable for convenience of administration that all lands set apart for special treatment as pastures, fodder reserves or forests proper should, so far as the law permits, be placed under the forest law as "Reserved Forest;" but it should be understood that it is not necessary that, because an area is constituted a reserved forest, it must be managed for the purpose of producing trees or placed under the control of the officers of the Forest Department. The method of treatment of such lands and the arrangement of their control must be regulated entirely by the local authorities, with whom remains also the power of determining the agency and system of management.

(G. I., R. & A., No. 17-105, dated 15th July 1891; *vide* G. R. No. 6840, dated 5th October 1891.)

The forest policy of the Government of India has assumed a fresh development of considerable importance. The necessity of dividing off areas into classes, and of according a different method of treatment to each class, is recognized. The division contemplated is—

(*a*) pastures, or grazing lands, from which cattle, including sheep and goats, are not to be otherwise than temporarily excluded, and in regard to which the system of management is to be such as will exclude, as far as possible, all interference on the part of subordinate officers;

(*b*) fodder reserves which, except in years of great drought, are to be absolutely closed against grazing, the fodder produced being cut and collected;

(*c*) forests proper, *i.e.* lands set apart primarily for the production of timber, fuel, and the other products of tree-growth, but which may also serve to supply the surrounding agricultural population with fuel, small building and other wood, grass and minor produce, and in some cases with grazing lands. Attention is drawn to the importance of making forests proper supply the needs of adjacent residents to the utmost extent possible, consistent with a rational treatment, under which they will fulfil the primary object for which they were set apart; and in paragraph 13 words of caution are added that "it should be

understood that it is not necessary that because an area is constituted a reserved forest, it must be managed for the purpose of producing trees, or be placed under the control of the officers of the Forest Department."

In calling thus particularly the attention of the Revenue and Forest Officers to the above orders, the Governor in Council is pleased to direct that they should make for each district the analysis* mentioned in paragraph 6 of the Government of India Resolution No. 17-105, dated 15th July 1891, and they should† divide the areas included in reserved forests into the three classes contemplated. The best way to do this is that they should, in consultation, first select and set apart lands for treatment as *forests proper* as described in paragraph 10 of the Resolution. They should then proceed to divide the rest between 'Pastures' and 'Fodder Reserves.' The Governor in Council regards this as a very important piece of work, and one which demands the most careful attention of all district officers. If the division and classification of forest areas are wisely carried out, and if pastures are managed mainly and primarily for the support and therefore the production of stock, and not with the main object of producing revenue from grazing fees, Government believe that much of the unpopularity that now rests on forest arrangements will be removed. The beneficial effect of these orders will be nullified, if areas which could only produce a saleable growth of underwood by protracted closure, but which are really required for grazing purposes, are included in *forests proper*. Each class of forest land should be specially treated for the purpose it is intended to serve, and a minimum of interference by subordinate officers with the areas set apart for pastures or grazing lands, and with the people using them, should be enforced.

As regards the question of management of pastures and fodder reserves raised in this Resolution, the Governor in Council desires that the views set forth in paragraph 9 of Government of India Resolution No. 16-A., dated 1st March 1883, should be fully adopted in this Presidency. The position of the Conservators should be that set forth therein. They should be consultative officers, who would give their advice and opinions on questions of professional and technical character referred to them by the Collectors and Commissioners, but they should not attempt to direct or control district officers of the Revenue or Forest Departments in the performance of their duties of management. In that matter

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* Proposals to deal with out-forest lands and protected forests are not to be dealt with in the analysis called for. The area to be divided into classes is that *included in Reserved Forest*. (G. R. No. 8396, dated 5th December 1891.)

† The Commissioner in Sind reported in his memorandum No. 1424, dated 5th April 1892, that there was nothing special to be done in Sind in the direction of separating pastures and fodder reserves in reserved forests. (G. R. No. 3994, dated 7th May 1892.)

there should be no division of responsibility, and the system of management should be that described in paragraph 9 of the Government of India Resolution No. 16-A., dated 1st March 1883.

(G. R. No. 6840, dated 5th October 1891.)

13. Copies of the following Resolution of the Government of India, No. 22-F., dated 19th October 1894, containing the latest pronouncement of that Government on the subject of forest classification and administration were forwarded to all Commissioners, Collectors, and Conservators of Forests for information and guidance :—

"In Chapter VIII of his Report on the Improvement of Indian Agriculture, Dr. Völcker dwells at length upon the importance of so directing the policy of the Forest Department that it shall serve agricultural interests more directly than at present; and in his Review of Forest Administration for 1892-93, the Inspector-General of Forests discusses in some detail the principles which should underlie the management of State forests in British India. While agreeing generally with the principles thus enunciated by the Inspector-General of Forests, the Government of India think that it will be convenient to state here the general policy which they desire should be followed in this matter, more especially as they are of opinion that an imperfect apprehension of that policy has, in some recent instances, been manifested.

"2. The sole object with which State forests are administered is the public benefit. In some cases the public to be benefited are the whole body of tax-payers; in others, the people of the tract within which the forest is situated; but in almost all cases the constitution and preservation of a forest involve, in greater or less degree, the regulation of rights and the restriction of privileges of user in the forest area which may have previously been enjoyed by the inhabitants of its immediate neighbourhood. This regulation and restriction are justified only when the advantage to be gained by the public is great; and the cardinal principle to be observed is that the rights and privileges of individuals must be limited, otherwise than for their own benefit, only in such degree as is absolutely necessary to secure that advantage.

"3. The forests of India, being State property, may be broadly classed under the following headings :—

(*a*) Forests the preservation of which is essential on climatic or physical grounds.

(*b*) Forests which afford a supply of valuable timbers for commercial purposes.

(*c*) Minor forests.

(*d*) Pasture lands.

"It is not intended that any attempt should be made to class existing State forests under one or

other of these four heads. Some forests may occupy intermediate positions, and parts of one and the same forest may fall under different heads. The classification is useful only as affording a basis for the indication of the broad policy which should govern the treatment of each class respectively; and in applying the general policy, the fullest consideration must be given to local circumstances.

'4. The first class of forests are generally situated on hill slopes, where the preservation of such vegetation as exists, or the encouragement of further growth, is essential to the protection from the devastating action of hill torrents of the cultivated plains that lie below them. Here the interests to be protected are important beyond all comparison with the interests which it may be necessary to restrict; and so long as there is a reasonable hope of the restriction being effectual, the lesser interests must not be allowed to stand in the way.

"5. The second class of State forests include the great tracts from which our supply of the more valuable timbers—teak, sál, deodar, and the like—is obtained. They are for the most part (though not always) essentially forest tracts and encumbered by very limited rights of user; and when this is the case, they should be managed mainly on commercial lines as valuable properties of, and sources of revenue to, the State. Even in these cases, however, customs of user will for the most part have sprung up on the margins of the forest; this user is often essential to the prosperity of the people who have enjoyed it; and the fact that its extent is limited in comparison with the area under forest renders it the more easy to continue it in full. The needs of communities dwelling on the margins of forest tracts consist mainly in small timber for building, wood for fuel, leaves for manure and for fodder, thorns for fencing, grass and grazing for their cattle, and edible forest products for their own consumption. Every reasonable facility should be afforded to the people concerned for the full and easy satisfaction of these needs, if not free (as may be possible where a system of regular cuttings has been established), then at low and not at competitive rates. It should be distinctly understood that considerations of forest income are to be subordinated to that satisfaction.

"There is reason to believe that the area which is suitable to the growth of valuable timber has been over-estimated, and that some of the tracts which have been reserved for this purpose might have been managed with greater profit both to the public and to the State, if the efforts of the Forest Department had been directed to supplying the large demand of the agricultural and general population for small timber rather than the limited demand of merchants for large timber. Even in

tracts of which the conditions are suited to the growth of large timber, it should be carefully considered in each case whether it would not be better, both in the interests of the people and of the revenue, to work them with the object of supplying the requirements of the general, and in particular of the agricultural population.

"6. It should also be remembered that, subject to certain conditions to be referred to presently, the claims of cultivation are stronger than the claims of forest preservation. The pressure of the population upon the soil is one of the greatest difficulties that India has to face, and that application of the soil must generally be preferred which will support the largest numbers in proportion to the area. Accordingly, wherever an effective demand for culturable land exists, and can only be supplied from forest areas, the land should ordinarily be relinquished without hesitation; and if this principle applies to the valuable class of forests under consideration, it applies *à fortiori* to the less valuable classes which are presently to be discussed. When cultivation has been established, it will generally be advisable to disforest the newly-settled area. But it should be distinctly understood that there is nothing in the Forest Act, or in any rules or orders now in force, which limits the discretion of Local Governments without previous reference to the Government of India (though, of course, always subject to the control of that Government) in diverting forest land to agricultural purposes, even though that land may have been declared reserved forest under the Act.

"7. Mention has been made of certain conditions to which the application of the principle laid down in the preceding paragraph should be subject. They have for their object the utilization of the forest area to the greatest good of the community. In the first place, the honey-combing of a valuable forest by patches of cultivation should not be allowed; as the only object it can serve is to substitute somewhat better land in patches for sufficiently good land in large blocks, while it renders the proper preservation of the remaining forest area almost impossible. The evil here is greater than the good. In the second place, the cultivation must be permanent. Where the physical conditions are such that the removal of the protection afforded by forest growth must result, after a longer or shorter period, in the sterilization or destruction of the soil, the case falls under the principle discussed in paragraph 4 of this Resolution. So again a system of shifting cultivation, which denudes a large area of forest growth in order to place a small area under crops, costs more to the community than it is worth, and can only be permitted, under due regulation, where forest tribes depend on it for their sustenance. In the third place the cultivation in

question must not be merely nominal, and an excuse for the creation of pastoral or semi-pastoral villages, which do more harm to the forest than the good they reap from it. And in the fourth place, cultivation must not be allowed so to extend as to encroach upon the minimum area of forest which is needed in order to supply the general forest needs of the country, or the reasonable forest requirements, present and prospective, of the neighbourhood in which it is situated. In many tracts cultivation is practically impossible without the assistance of forests, and it must not be allowed to destroy that upon which its existence depends.

"8. It has been stated above that the forests under consideration are generally, but not always, free from customs of user. When, as sometimes happens, they are so intermingled with permanent villages and cultivation that customary rights and privileges militate against their management as revenue-paying properties, the principles laid down at the end of paragraph 5 of this Resolution should be observed, and considerations of income should be made secondary to the full satisfaction of local needs. Such restrictions as may be necessary for the preservation of the forest, or for the better enjoyment of its benefits, should be imposed; but no restriction should be placed upon reasonable local demands, merely in order to increase the State revenues.

"9. The third class of forests include those tracts which, though true forests, produce only the inferior sorts of timber or the smaller growths of the better sorts. In some cases the supply of fuel for manufactures, railways, and like purposes, is of such importance that these forests fall more properly under the second class, and must be mainly managed as commercial undertakings. But the forests now to be considered are those which are useful chiefly as supplying fuel and fodder or grazing for local consumption; and these must be managed mainly in the interests of the population of the tract which supplies its forest requirements from this source. The first object to be aimed at is to preserve the wood and grass from destruction; for user must not be exercised so as to annihilate its subject, and the people must be protected against their own improvidence. The second object should be to supply the produce of the forests to the greatest advantage and convenience of the people. To these two objects all considerations of revenue should ordinarily be subordinated.

"10. It must not be supposed from the preceding remarks that it is the intention of the Government of India to forego all revenue from the large areas that are valuable chiefly for the fuel and fodder which they yield. Cases must be distinguished. Where the areas in question afford the only grazing and the only supply of

fuel to villages which lie around or within them, the necessities of the inhabitants of these villages must be treated as paramount, and they should be satisfied at the most moderate rates, and with as little direct official interference as possible. But where the villages of the tract have already ample pasture grounds attached to their cultivation and owned and managed by themselves, and where the Crown lands merely supplement these pastures, and afford grazing to a nomad pastoral population, or to the herds that shift from one portion of the country to another with the changes of the season, Government may justly expect to reap a fair income from its property. Even in such cases, however, the convenience and advantage of the graziers should be studiously considered, and the inhabitants of the locality, or those who habitually graze over it, should have a preferential claim at rates materially lower than might be obtained in the open market. It will often be advantageous to fix the grazing demand upon a village or a nomad community for a year or a term of years. The system, like every other, has difficulties that are peculiar to it; but it reduces the interference of petty officials to the lowest point, and minimizes their opportunities for extortion and oppression. Where grazing fees are levied *per capita*, free passes are often given to a certain number of cattle. In such cases the cattle which are to graze free should include, not only the oxen which are actually employed on the plough, but also a reasonable number of milch cattle and calves. A cow or a buffalo is as much a necessity to a cultivator, using the word necessity in a reasonable wide sense, as is a plough-bullock; and in many parts the oxen are bred in the village.

"11. In the portions of his Report which are referred to in the preamble to this Resolution Dr. Völcker strongly recommends the formation of fuel and fodder preserves, and the Government of India has repeatedly urged the same policy upon Local Governments. The question whether any particular area can be made to support a greater number of cattle by preserving the grass and cutting it for fodder, or by permitting grazing upon it, is one that must be decided by the local circumstances of each case. But when it has been decided, the issues are by no means exhausted. It has been stated in paragraph 9 above that one main object towards which the management of these minor forests should be directed is, the supply of fuel and fodder 'to the greatest advantage and convenience of the people.' In doing so, due regard must be had to their habits and wishes. It may be that strict preservation and periodical closures, or the total prohibition of grazing, will result in the largest yield both of fuel and of fodder in the form of hay. But that is of small avail if the people will

not utilize the increased supply in the form in which it is offered them. The customs of generations alter slowly in India; and though much may and should be done to lead the people to their own profit, yet it must be done gently and gradually, always remembering that their contentment is no less important an object than is their material advantage. It must be remembered, moreover, that the object of excluding grazing from the preserves in question is the advantage of the *neighbourhood*; and that the realization of a larger income than grazing would yield, by preserving the produce, only to sell it to the highest bidder for consumption in large towns at a distance from the preserve, is *not* always in accordance with the policy which the Government of India has inculcated. Here again circumstances must decide. It may be that the local supply of fuel or fodder, independently of the reserved area, is sufficient in ordinary years for the needs of the neighbourhood. In such a case the produce may legitimately be disposed of in such years to the greatest advantage, reserving it for local consumption only when the external supply runs short. Finally, the remarks regarding agency in paragraph 12, and the more general considerations that are discussed below in paragraph 13 of this Resolution, apply in full force to areas thus preserved for the supply of fuel and fodder.

"12. The fourth class of forests referred to are pastures and grazing grounds proper, which are usually forests only in name. It is often convenient, indeed, to declare them forests under the Act, in order to obtain a statutory settlement of the rights which the State on the one hand and private individuals or communities on the other possess over them. But it by no means follows, as a matter of course, that these lands should be subjected to any strict system of conservation, or that they should be placed under the management of the Forest Department. The question of agency is purely one of economy and expediency; and the Government of India believe that in some cases where these lands are managed by the Forest Department, the expenditure on establishment exceeds the revenue that is, or at any rate the revenue that ought to be, realized from them.

"The following remarks apply, not only to forest lands under the Act, whether administered by the Forest Department or not, but also to all Crown waste, even though not declared to be forest. Here the interests of the local community reach their maximum, while those of the general public are of the slightest nature. It follows that the principles which have been already laid down for the management of minor forests apply, if possible, with even greater force to the management of grazing areas pure and simple.

"13. The difficulties which arise in connection with these areas are apt to present themselves in their most aggravated form where the tenure of land is rayatwari. In zamindári tracts the Crown lands generally assume the second of the two forms indicated in paragraph 10 of this Resolution. But where the settlement is rayatwari, every survey number or field that is unoccupied or unassigned is in the possession and at the disposal of Government, and trespass upon it is *primâ facie* forbidden. In some cultivated tracts, these unoccupied and waste lands are the only source available from which the grazing requirements of the resident population can be met. The Government of India are clearly of opinion that the intermixture of plots of Government land which are used for grazing only, but upon which trespass is forbidden, with the cultivation of occupancy or propietary holders is apt to lead to extreme abuses, and especially so when these plots are under the management of the Forest Department. The inferior subordinates of the Forest Department are perhaps as reliable as can be expected on the pay which we can afford to give; but their morality is no higher than that of the uneducated classes from which they are drawn; while the enormous areas over which they are scattered and the small number of the controlling staff render effective supervision most difficult. It is not right, in order to protect the grass or the grazing dues on plots of waste scattered over the face of a cultivated district, to put it into the power of an underling to pound or threaten to pound cattle on the plea that they have overstepped the boundary between their owner's field and the next. Still less right is it to permit the exercise of the power of compounding offences allowed by Section 67 of the Forest Act to depend upon the mere report of a subordinate servant, or to expose him to the temptations which such a power holds out. Where the interests involved are sufficiently important, it may perhaps be necessary to accept the danger of extortion while minimizing as far as possible the opportunities for it. But in the case under consideration the interests involved are trifling, while the opportunities are unlimited.

"14. It is to be distinctly understood that the Government of India do not desire that grazing should be looked upon primarily as a source of income. But it by no means follows that all revenues from scattered Government lands should be relinquished. It is, indeed, inadvisable that this should be done, as to do so would give the rayats an interest in opposing allotment and making things unpleasant for new occupants. But the objections to direct management which have just been pointed out are reduced to a minimum or altogether avoided, when the management is placed in hands of the resident cultivators or of representatives from among

them. It will generally be possible to lease or otherwise manage the unoccupied lands of a village through the agency of the community; not, indeed, at the highest price which they are ready to pay to escape such evils as have just been alluded to, but at a moderate estimate of their value to them, fixed in view of the fact that herds and flocks, which cannot exist without grazing, are often a necessary condition of the successful conduct of that cultivation upon which the Government land-revenue is paid. In no case should fields that have been relinquished be let to outsiders at a reduced assessment for grazing purposes, for then we might have speculators taking up such fields mainly in order to make what they can out of trespassing cattle.

"15. One more point of principle remains to be noticed. The procedure under Chapter IV of the Indian Forest Act, whereby forests are declared to be protected, has been in certain cases regarded by the Government of India as a provisional and intermediate procedure, designed to afford time for consideration and decision, with the object of ultimately constituting so much of the area as it is intended to retain, a reserved forest under Chapter II, and of relinquishing the remainder altogether. The Act provides two distinct procedures. By the more strict one, under Chapter II, existing rights may be either settled, transferred or commuted; and this procedure will ordinarily be applied to forests of the first and second classes indicated in paragraph 3 of this Resolution. By the second procedure, under Chapter IV, rights are recorded and regulated; and this procedure will often be properly followed where the rights to which the area is subject are extensive, and the forest is to be managed mainly in the interests of the local community. It will ordinarily be applied to forests of the 3rd and 4th classes. This second procedure may, indeed, be provisional, and introductory to reservation under Chapter II; but there is in the Forest Act nothing repugnant to giving it a larger and even a permanent operation. As regards Government, the chief difference between the two procedures is, that new rights may spring up in a protected, but not in a reserved forest, and that the record-of-rights framed under Chapter II is conclusive, while that framed under Chapter IV only carries a presumption of truth. It is believed that this presumption offers ample security where the object of regulating the rights is to provide for their more beneficial exercise rather than to override them in the public interest. As regards the people, the chief difference is that, speaking broadly, in a reserved forest everything is an offence that is not permitted, while in a protected forest nothing is an offence that is not prohibited. In theory it is possible so to frame the permission and the prohibition as to make the results identical in the

two cases; but in practice it is almost impossible to do so. If it were not so, the distinction drawn by the Legislature would be unnecessary and meaningless. It is only where the public interests involved are of sufficient importance to justify the stricter procedure and the more comprehensive definition of forest offences, that the latter should be adopted.

"The Governor-General in Council desires, therefore, that with regard both to fuel and fodder preserves, and to grazing areas pure and simple, and especially to such of them as lie in the midst of cultivated tracts, it may be considered in each case whether it is necessary to class them, or, if already so classed, to retain them as forest areas; and if this question is decided in the affirmative, whether it would not be better to constitute them protected rather than reserved forests.

"16. Such are the general principles which the Government of India desire should be observed in the administration of all State forests in British India. They are fully aware that the detailed application of these principles must depend upon an infinite variety of circumstances which will have to be duly weighed in each case by the local authorities, to whose discretion the decision must be left. One of the dangers which it is most difficult to guard against is the fraudulent abuse of concessions for commercial purposes; and only local considerations can indicate how this can best be met. The Government of India recognize the fact that the easier treatment in the matter of forest produce which His Excellency in Council desires should be extended to the agricultural classes may, especially in the case of true forest areas, necessitate more careful supervision in order that the concession may be confined within its legitimate limits. But, on the other hand, they think that in some provinces it will render possible a considerable reduction of existing establishment; and they desire that this matter may be carefully considered with reference to what has been said above in paragraph 12. They know also that in some provinces forest policy is already framed on the lines which they wish to see followed in all. But the Governor-General in Council believes that Local Governments and Administrations will be glad to receive the assurance now given them, that the Supreme Government will cordially support them in recognizing and providing for local requirements to the utmost point that is consistent with Imperial interests. Where working plans or plans of operation are framed for forests, the provisions necessary for this purpose should be embodied in them. The exercise of the rights that have been recorded at settlement will necessarily be provided for in these plans. Where further concessions are made by way of privilege and grace, it will be well to grant them for some such limited period as ten years, so that they may,

if necessary, be revised from time to time, as the circumstances on which they were moulded change."

(G. R. No. 9605, dated 23rd November 1894.)

14. The principles laid down in paragraph 6 of the Resolution of the Government of India, No. 22-F., dated 19th October 1894, that subject to certain conditions "the claims of cultivation are stronger than the claims of forest preservation" and that "wherever an effective demand for culturable land exists and can only be supplied from forest areas, the land should ordinarily be relinquished without hesitation" must be acted upon to the fullest extent. Land fit for cultivation is almost always more profitable to the State and more useful to the community when under cultivation then when under forest, and the demand for it should be met, unless it is so situated that its occupation would be prejudicial to the conservancy of valuable forests, or that the soil when loosened would be liable to be washed away by rain, or some other special reason makes it expedient to retain it within the forest area. In many cases plots of cultivable land within the demarcation line could be with great advantage given out for occupation on condition of the holders watching the surrounding forests, and the Governor in Council will be glad to have this method of securing resident guards tried as far as possible. Until a demand arises for any of the land in question, there is some advantage and no disadvantage in its being subject to the provisions of the Forest Act. When the demand does arise, disforestment involves no difficulties, but the need of applying for it ensures separate and consequently more careful consideration being given to the several cases.

(2). All forests proper, whether they yield timber or firewood or consist merely of scrub jungle protecting the slopes of hills, must of course remain under the management of the Forest Department. That Department should also have charge of all fuel reserves or mixed fuel or fodder reserves except such as are so far removed from the forests proper that the superior officers could not exercise effectual supervision without prejudice to more important duties. There are, however, few works of greater utility than the production of firewood and small timber within localities in which they are in great demand. The production of grass does not require the services of a scientific department, and pure fodder reserves should be in the charge of the Revenue Department. It must be remembered that the produce of all these reserves must be devoted primarily to the supply of local wants at reasonable rates, and only the surplus after these wants are fully met may be exported. As regards the areas classed as pasture, the Governor in Council sees no reason to depart from the view which is indicated in Government Resolution No. 6702, dated 15th September 1893, which is favoured by the Gov-

ernment of India in paragraph 12 of their Resolution No. 22-F., dated 19th October 1894, and which has already been carried out in several districts, and he is indeed fully convinced that the transfer of these areas to the management of the Revenue Department is the only effectual method of remedying an evil too long continued.

(3). Opportunity will be given to the Forest Department to convert into either forest proper or fuel reserves any parts of the pasture-area which are suitable for the purpose, provided there remains a sufficient area open for pasture. The Collector's assent will, however, be necessary to all such undertakings and it will be given only if he is satisfied that the condition above provided for is fulfilled and also that the Department has the means of making the closure effective. The area must be fenced wherever it is exposed to trespass, and resident guards must be provided. There must be resident guards to watch the fencing, and they can be simultaneously employed in planting and sowing and other operations for the afforestation of the plots, or in cutting and stacking the grass. Government will be prepared, on being satisfied that the measures for closing any such area are efficient, to authorize the levy of pound fees on the maximum scale for trespass in it, and do not doubt that Magistrates will inflict exemplary punishments when they see that they are dealing with deliberate violations of a reasonable law reasonably applied. It may be hoped that by successful operations under such conditions the population generally will learn to appreciate the benefits of forest conservancy.

(G. R. No. 1668, dated 8th March 1898.)

PART XX.—FREE GRANTS OF TIMBER.

1. Applications for free grants of wood for chávdis, agricultural implements, &c., should be promptly complied with. (G. R. No. 5191, dated 11th September 1876.)

2. The value of free grants of wood is very much reduced by delay on the part of the Forest Department in supplying timber. The Conservator will take care that there may be no complaints on this subject, and it will be the duty of the Collector to prevent any unnecessary delay. (G. R. No. 2331, dated 3rd May 1880.)

3. Government do not consider it necessary to compel the Postal Department to pay for the comparatively small quantity of wood which is apparently required by it for sheds for postal runners, torches, &c. Government, however, expect that the Commissioner and the Conservator of Forests will take all measures needed to prevent any abuse of the privilege on the part of the subordinates of the Postal Department and injury to the forests. The wood should be cut in such forests as the Forest Officers consider it may be cut in without injury, and it should be supplied to the Postal Department free of all charges except the expense incurred in cutting and removing it, the latter being arranged for by the Postal authorities themselves. (G. Rs. Nos. 4061, dated 5th August 1880, 8812, dated 8th November 1884, and 1742, dated 28th February 1885.)

4. It was never intended that free grants of wood should be made to men whose resources would enable them without much difficulty to purchase it. (G. R. No. 1771, dated 15th March 1882.)

5. In the Southern Division when wood is given free for any purpose for use in outside districts the value of the free grant should be assessed on an estimate of the average auction-sale rates of the current year or the year previous according to circumstances. In Kánara and Belgaum the value should be calculated according to the seigniorage or royalty fees.

In the Northern Division the year's auction-sale rates in a district should be taken as the standard for calculating the value of free grants of wood which may be made therein.

(G. Rs. Nos. 2126, dated 12th April 1881, 3371, dated 11th June 1881, and 3707, dated 28th June 1881.)

6. The Divisional Forest Officers are empowered to make free grants of wood and other forest produce up to the value in any year of Rs. 5 on their own authority, and up to the value of Rs. 20 with the sanction of the Conservator, as payment for service to any member of a wild tribe who may have merited such a grant by assistance rendered by him to the Forest Department. (G. Rs. Nos. 7658,

dated 26th September 1884, and 7250, dated 30th October 1888.)

7. The Assistant and Deputy Collectors in the Panch Mahâls and in the Mándvi Táluka of Surat are empowered to make free grants of timber of the value of Rs. 20, a half-yearly return of such grants being submitted to the Collector for incorporation in the return required by Government. (G. R. No. 2059, dated 1st April 1887.)

8. There is no objection to the submission of recommendation for the grant of wood free of charge to agricultural labourers or sub-tenants of registered cultivators in special cases. (G. R. No. 2614, dated 27th March 1885.)

9. Abuses are so common in connection with the free grants of wood that in all cases in which such grants are made, the Mámlatdárs should be held responsible for the wood being applied to the purpose for which it is granted and he should report to the Collector after inspection of the newly built houses. (G. R. No. 3420, dated 11th May 1886.)

10. His Excellency the Governor in Council having had the question of free grants of timber in the various districts of the Presidency under consideration, and having ascertained the great diversity of practice which obtains, is pleased to issue the following orders for the guidance of district officers.

(2). The objects for which free grants may usually be made are—

(*a*) the relief of poor people whose houses have been destroyed either by fire or flood;

(*b*) in special cases the construction of dwellings where members of wild tribes or new settlers are too poor to purchase wood;

(*c*) agricultural purposes in cases in which it is satisfactorily shown that such grants are absolutely necessary.

(3). In many, if not in most, of such cases it is evident that it is unnecessary to trouble Government with references, and His Excellency the Governor in Council is accordingly pleased to direct that—

(*a*) in all tálukas in which there is natural forest, the Commissioner of the Division is empowered to sanction free grants of timber of the value of Rs. 50 for the objects specified in paragraph 2 in such individual cases as are recommended by the Divisional Forest Officer or Assistant or Deputy Collector in charge of the táluka, and supported by the Collector of the district;

(*b*) half-yearly returns of such grants should be submitted to Government through the Commissioners by each Collector giving full particulars of the grants made in his district;

(*c*) copies of such returns should be sent to the Divisional Forest Officer by the Collector, and they should be embodied in Forest Adminis-

tration Reports, the Conservator making any remarks which may appear to him to be called for on the working of the rules;

(*d*) free grants exceeding Rs. 50 in value in individual cases should be submitted to Government for sanction in all cases.

(4). Commissioners of Divisions may also sanction free grants of timber up to the value of Rs. 50 to *Táluka* Local Boards for improvement of local communications in bridging nálas, water-courses, &c. These grants should be separately specified in the half-yearly returns required by Rule 3 (*b*) above.

(5). These orders are not applicable to Sind, where the existing practice which was confirmed by Government Resolution No.* 5977, dated 12th November 1880, may be allowed to continue.

(G. R. No. 1051, dated 15th February 1887.)

(6). Commissioners may also sanction free grants of timber up to the value of Rs. 50 in each case for the repair and construction of village school-houses.

(G. R. No. 4073, dated 31st May 1895.)

11. The orders in Government Resolution No. 1051, dated 15th February 1887, are not applicable to Kánara, where the permit rules sanctioned by Government in 1872 continue in force. (G. R. No. 1728, dated 19th March 1887.)

12. Free grants of wood for idol cars should be considered to fall within Rule 14 of the Kánára Permit Rules. (G. R. No. 3401, dated 13th April 1892.)

13. Free grants of wood in the Thána and Kolába Districts should be regulated in accordance with the

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* Extract from Government Resolution No. 5977, dated 12th November 1880:—

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Memorandum from the Commissioner in Sind, No. 3294, dated 10th September 1880—Stating that in the opinion of the Collectors and Superintendents in Sind, the privilege which has always been conceded to cultivators of cutting wood on waste lands must be continued, that free grants of timber from Government forest reserves are only occasionally required to be made when a whole village has been burnt down, and in such cases the custom has been for the Collector to report to the Commissioner and obtain sanction to the grant of such timber as is required from Government forests, and that the rules laid down for the Presidency are, it will be seen, framed to meet an entirely different set of circumstances from those prevailing in Sind and should not apply to that province; and adding that in every part of Sind wild tribes are to be met with, but more especially along the frontiers and in the Thar and Párkar District.

* * * * *

RESOLUTION—

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5. As regards Sind, His Excellency the Governor in Council concurs with the Commissioner in thinking that for the reasons stated by Mr. Erskine the new ruling concerning the previous obtaining of Government sanction to the free grants of timber should not be held applicable to that province. Government, however, rely upon the Commissioner to take effectual measures to prevent any undue or unnecessary injury to the Government forests and any abuse of the privilege of procuring wood free of cost.

rules contained in Government Resolution No. 1051, dated 15th February 1887. (G. Rs. Nos. 4625, dated 3rd July 1890, and 6794, dated 20th September 1893.)

14. The powers granted by Government Resolution No. 1051, dated 15th February 1887, are restricted to tálukas in which there is natural forest. And the whole intention of the system is to allow the population, and particularly the agricultural population, dwelling in the vicinity of the forests a privilege which can conveniently be exercised by them without material detriment to the public interests. It has never been contemplated that it should be incumbent on Government to give wood free by way of charity to members of any community whose houses may be destroyed. In case of a great calamity Government may appropriately assist by grants of wood, but it is to be remembered that the grants made under the rules with regard to the powers of the several officers are restricted to the tálukas and to the inhabitants of tálukas in which there is forest.

The value of the wood specified in the rules is the value of the trees as they stand in the forest, and it is contemplated that grantees should make their own arrangements for felling and carrying the wood, as people living in the vicinity of the forest conveniently can do. The value of wood at depôts or in towns is a very different thing and varies according to distance from the forests. It would be impossible in any rules to make provision as to the limit of value of wood got at such places. If in any cases the persons to whom free grants of wood are made can appropriately get the wood at depôts within or close to the forest area or at departmental cuttings, there is of course no objection, but this is a matter for arrangement by the Forest Officers and not for regulation by rules.

Government accept the proposal that Divisional Forest Officers should have the power of making grants up to the value of Rs. 20. It is desirable that Forest Officers should have the opportunity of aiding people living in the vicinity of the forests and of possibly thereby gaining co-operation.

(G. R. No. 1662, dated 2nd March 1897.)

15. The 15th April and the 15th October in each year should be fixed as the dates on which the half-yearly returns required by Government Resolution No. 1051, dated 15th February 1887, should be submitted. These returns should relate to the half-yearly periods ending 31st March and 30th September, respectively, and should be in the following form. In submitting the returns the Collectors should give *totals*.

Return of free grants of timber made in the district of under Government Resolution No. 1051 of 15th February 1887, Revenue Department, during the half year ending 18 .

Name of Tá-luka.	Name of Vil-lage.	Grant to whom made.	Object for which grant is made as specified in Rule 2, clauses *a*, *b*, *c*.	Descrip-tion and quality of timber granted.	Value of timber granted.			Circum-stances which rendered the grant expe-dient.	Date of appli-cation for free grant.	Number and date of order of the Commis-sioner sanc-tioning the grant.	Remarks.
					Rs.	a.	p.				

N. B.—Grants to Local Boards and the objects for which they are made should be separately specified as directed in Rule 4.

No. of 18 .

Submitted to Government in the Revenue Department.

Through the Commissioner, C.D.

(G. Rs. Nos. 1647, dated 17th March 1887, 2060, dated 1st April 1887, 4060, dated 4th July 1887, 1662, dated 2nd March 1897.)

16. In cases where the alienee has forest rights, the rayats of alienated villages should look to him for free grants of timber; in cases where the forest rights are vested in Government, there is no objection to allow them grants as if they were inhabitants of unalienated villages. (G. Rs. Nos. 3752, dated 20th June 1887, and 5486, dated 18th August 1887.)

17. Special grants of timber or other forest-produce, free or at favourable rates, for specific purposes, require the sanction of the Government of India if they exceed the following values :—

(1) For the construction of large works of public utility, such as railways, tramways, and the like—Rs. 5,000.

(2) To village communities, public bodies, Departments of Government, or sections of the community in their collective capacity—Rs. 1,000.

(3) In other cases—Rs. 500.

Within these limits, and subject to the principles laid down in Circular No. 8-F., dated 21st May 1895, such grants may be sanctioned by the Local Government; but all concessions of whatever value made under (1) for the construction of railways or tramways must be reported at once to the Government of India. The Local Government may delegate to the Conservator the power of sanction (subject to the above limits) up to the value of Rs. 1,000 in any one case.

(G. I., R. & A., No. 811-F., dated 21st May 1895; *vide* G. R. No. 4832, dated 27th June 1895.)

PART XXI.—SUPPLY OF TIMBER TO OTHER DEPARTMENTS.

1. Timber required for Local Fund purposes must be paid for in the same way as that required by any other Department of Government. (G. R. No. 1667, dated 22nd April 1869.)

2. Timber will be supplied by the Forest Department to the Public Works Department, on the submission of annual indents, at the rates realized at public auctions. For any further supply of timber the Public Works Department may require, they must compete with the general public. (G. R. No. 3962, dated 20th August 1870.)

3. It is the wish of Government that all reasonable facilities should be furnished to the Public Works Department for securing direct from the Forest Department such timber as it may require. (G. R. No. 3606, dated 26th May 1891.)

4. Officers in command of regiments should be left to obtain what wood they require in the open market. (G. R. No. 2609, dated 1st June 1871.)

5. All public departments should deal with the Forest Department as far as possible, but the latter should study the bázár rates in fixing their prices, of course charging for their timber according to quality. It is in no way, however, intended that the interests of other Departments in the matter of general convenience, in which the question of cheapness is of course closely involved, should be sacrificed for the benefit of the forest revenues. The Forest Department must attract, and not compel, custom even from other public offices. (G. Rs. Nos. 3021, dated 25th June 1872, and 4862, dated 1st October 1872.)

6. The Government of India are unable to lay down any rules for the Bombay Dockyard specially other than those which govern the supply of timber to the other Departments of Government and the public generally. It is, therefore, considered necessary that the best course which the Dockyard should follow would be to obtain a price list from the Forest Department, and then buy the timber in the cheapest market. If at any time a special quality of timber is required, the assistance of the Forest Department may be sought, but in that case the Dockyard must be bound by their price and measurements, a copy of the price list being submitted to the Government of India. (G. I., Mar. Dept., No. 1662-S., dated 11th October 1879; *vide* G. R., Rev., No. 5688, dated 24th idem.)

7. The following notice by the Conservator of Forests, N. C., was published for the information of the Departments which are likely to indent on the Forest Department in that circle for timber :—

The Northern Circle of the Forest Department keeps no timber in stock at depôts, so that no seasoned timber can be supplied at short notice.

(2). Teak fellings take place towards the end of the rains, but the timber cannot be delivered earlier than late in November or in December.

(3). Departmentally cut timber is sold off as early as possible in the cold weather, so that timber indented for after 1st January would have to be felled specially for the Department indenting for it, and no indent received after 15th May can be complied with till the next December.

(G. N. No. 9335, dated 25th November 1884.)

8. Thorns from Government forests required for fencing road-side trees, both on Provincial and Local Fund roads, should be granted free of payment. The sanction of Government in each case is not needed. (G. R. No. 7740, dated 25th September 1885.)

9. With the view to reducing the cost of working the Sind forests, no effort should be spared to keep down the cost of production. The Forest Department is not bound to sell to the Railway as a State Department on terms lower than would be given to the general public, except in so far as the competition with coal may compel it to do so. (G. R. No. 2203, dated 13th April 1887.)

10. It is incumbent on consuming Departments to arrange with producing Departments, in preference to any other agency, for the supply of their requirements, so long as they can get from the former all that they want.

The Government of India neither compels producing Departments to sell their productions at any particular price, nor consuming Departments to purchase the same at any particular price. It will be to the advantage of the latter to give any price which is less than that for which they can obtain an equal service in the market; and it will be to the advantage of the former to take any price which covers the cost of production and is better than what could be realized by other means. Acceptable terms between these limits can, it is evident, only be arrived at by negotiation and agreement between the representatives of the two opposing interests.

(G. I., R. & A., No. 1263-F., dated 31st December 1888; *vide* G. R. No. 716, dated 28th January 1889.)

11. The Forest Department shall charge other Government departments for all vegetable or animal products extracted from a forest area in the same manner in which it charges the public; and it shall similarly charge contractors for all mineral products extracted by them whether in behalf of a Government department or not. If a Government department extracts mineral products for sale, they also will be charged for. But the Forest Department will not charge other Government departments for mineral products extracted from a forest area by the direct agency of the department concerned, under its own supervision and without the interven-

tion of contractors or middlemen, for its own use and not for disposal to the public or other departments. For such products the Forest Department will take no credit in the public (Treasury) accounts of Government. But for statistical purposes the value of these products should be shown in the returns furnished by the Forest Department, just as the value of timber and other forest produce removed by free grantees or right-holders is already shown.

(2). The ruling that certain forest products shall shall not be charged for if directly extracted by other Government departments for their own use, in no way confers upon such departments any right of entry upon or of working in the areas under the charge of the Forest Department. That department retains its full powers of control; and, subject to the orders of superior authority, will continue to fix and limit the localities where such extraction may take place, and to impose any conditions which it may consider necessary for the safety of its forests and the convenience of its own work.

(3). The above rulings will apply, *mutatis mutandis*, to every class of forest or waste land at the disposal of Government, independently of the agency by which such land may be administered."

(G. I., R. & A., No. 13-63-2-F., dated 12th July 1897; *vide* G. R. No. 5792, dated 3rd August 1897.)

PART XXII.—EMPLOYMENT OF WILD TRIBES.

1. With respect to Bhils and other ancient inhabitants of the forests, it cannot be too much impressed upon the Forest Officers that the forest regulations must be applied with judgment, and every occasion sought of winning over the forest tribes to the cause of conservancy, by not interfering with the rights that they have heretofore enjoyed, wherever such rights can be permitted to continue, and also by supplying them with regular occupation in the service of the Department, so as in time to train them to settled habits. (S. of S. No. 34 (Revenue), dated 25th June 1866; *vide* G. R. No. 2768, dated 1st August 1866.)

2. The proposals contained in the following extract paragraphs 3 to 5 of a letter No. 1410, dated 3rd May 1879, from the Collector of Thána, relative to the employment of wild tribes as Rakhwáldárs in the demarcated forests of the Thána District and assignment to them of waste lands in the area situated outside the limits of the forests in that district, were approved by Government:—

"3. Under the scheme I would propose a number of the wild tribes can be employed as forest 'Rakhwáldárs' to look after and preserve the demarcated jungles receiving small rent-free holdings for service rendered. These holdings would be but small in area, and being given for service could not be alienated.

"4. Those not employed as 'Rakhwáldárs' should be allotted small holdings from the land to be excluded from the forest reserves in the lists now under preparation. To these holdings Bombay Act I of 1865, would not apply and the holders should be charged a very low rate of rent, say from 2 to 4 annas an acre, but before being put in possession it should be clearly explained to them that any attempt to alienate, mortgage, or otherwise dispose of their occupancy will involve its forfeiture. A kabuláyat to the effect might also be taken, for from experience of their improvidence I know that so long as they are allowed any transferable or saleable right in land they are sure to part with it on the first favourable opportunity to a wily sávkár or other pándherpesha.

"5. In the carrying out of this scheme the greatest care will be necessary to avoid inducing those of the wild tribes now tilling the land of, or labouring for, superior landholders to desert their present occupation. Any such result would increase the number of those to be provided for and possibly cause culturable land to be thrown out of occupation."

(G. R. No. 3525, dated 5th July 1879.)

3. It is desirable, as a matter of policy, that employment of a suitable description should be provided for the Bhils, and that occupation should especially be furnished to those who have earned their livelihood wholly or in part by wood-cutting. This occupation can best, and without difficulty, be supplied by the Forest Department. The Bhils should, therefore, be employed by that Department as wood-cutters to fell and, if this course is praticable, to bring in, the trees selected for the axe. It is the wish of Government that the Bhils should be employed to the fullest extent possible by the Forest Department, and that no opportunity should be lost of utilising Bhil labour and engaging them in the

forest operations which are most congenial to their tastes and mode of life and for which they are peculiarly qualified. Government must insist upon the grant by the Forest Department to the Bhils of employment to the largest practicable extent. It must be left to the Collector and the Conservator in consultation to decide how exactly this object is to be carried out, on what principle remuneration is to be given, and how the work is to be allotted and supervised, but the instructions of Government regarding the employment of Bhils must be complied with. (G. R. No. 1140, dated 24th February 1881.)

4. The system of employing Bhils and other wild tribes in the Forest Department as Rakhwáldárs, cultivating small holdings rent-free for service performed, and stationed on the borders of forests and inside large reserves in the wilder parts of the country, should be developed when forest settlements are completed and forest reserves are finally constituted. (G. R. No. 3990, dated 9th July 1881.)

5. The practice of the Forest Department in Sind of obtaining the services of gangs of villagers for putting up Persian wheels, mending bunds, making clearings for plantation, putting up or mending fences, &c., and giving the men a feed in lieu of wages, is not only economical, but tends to secure the good-will of the villagers; and its continuance is sanctioned. (G. R. No. 2157, dated 1st April 1882.)

6. Thákurs, Katkaris and other wild tribes who dwell within forest limits should be employed as the carriers of the Forest Department. (G. R. No. 968, dated 31st January 1885.)

7. The attention of Government has been drawn to the condition of the Kolis of the ghâts by the criminal proceedings of outlaws of Junnar Táluka. Some general measure, such as was proposed in 1879-80, to give employment to Rámosis and Kolis by enlisting them in a local corps would perhaps be the best solution of the chronic difficulty of the Police in preserving order among the Kolis, but His Excellency the Governor in Council believes the reasons why these occasional outbreaks of lawlessness have always grown to some head before they are controlled is to be found, next to 'heredity,' in the poverty of the people. Unless they are induced to migrate, this poverty will increase owing to growth of population and forest conservancy restricting their cultivation and their means of getting wood to burn for manure or to sell. The attempt made in 1879 to get Kolis to migrate was in spite of every inducement offered unsuccessful, and it is believed that they are not yet ready to adopt that remedy for their condition in any large number.

As an immediate measure of relief the Governor in Council thinks that it would be well to spend a

certain sum every year in the Akóla, Junnar, Khed and Mával tálukas on road-making. By this means their country would be opened up, the value of their crops and of the Government forest would be gradually increased, and they would be enabled to earn a little money for themselves and their families. It is not the intention of Government to make the expensive class of road which employs mainly skilled labour in its construction, but rather an inferior class with a view to the employment of unskilled labour in construction and repairs for a few years to come. This may not be easy in the ghát country, but the end sought is to give work as much as to open communications.

The District Local Boards should be called on to assist.

(G. R. No. 5616, dated 24th August 1887.)

8. Attention is directed to the following extract from the minute on the conservancy of the Dáng Forests by His Excellency Sir Richard Temple, dated July 7th, 1879 :—

"Consideration should be had to the case of any Bhils who may be settled in the lands proposed to be taken up. Indeed it would be better not to propose lands where Bhils happen to be thus settled. But in fact it is understood that there are few, if any, Bhils thus settled, and that almost all, if not all, of them are migratory in their habits. If, however, there be any Bhil family settled within an area proposed to be reserved, then it cannot be moved without compensation in some form or other, or without some satisfactory arrangement being made. It may happen that individuals thus situated can be entertained as employés by the Forest Department, and so rendered content to live under its régime. At all events it must be understood that if any Bhil be found settled, he cannot be summarily removed against his will."

The inexpediency of the removal from their homes of any Bhil families who have *permanently settled* in any particular spot, abandoning a nomadic life, should be carefully borne in mind. It is of more importance to encourage the Bhils in such a course than to constitute an ideally perfect reserve, and in general it should be understood by the officers concerned that in dealing with a wild people such as the Bhils they cannot err in adopting a lenient policy.

(G. R. No. 7906, dated 7th November 1890.)

PART XXIII.—FOREST FIRES.

1. The forests where the fires occur should be entirely closed to cattle grazing as well as to cultivation, which, as an ordinary rule, is out of place in forests, and only causes damage to them. G. R. No. 4318, dated 29th July 1873.)

2. Most of the measures proposed by the Conservator of Forests, N. D., for the prevention of forest fires in his letter No. 2212, dated 30th May 1881, given below are such as would be carried out by the Forest Department; but the gist of the suggestions contained in paragraph 3 of it should be communicated by Collectors to their subordinates. It is only in respect of the second, fourth and sixth measures of fire conservancy recommended by the Conservator that the action and aid of Revenue Officers are required. The importance of preserving forests and the effect which the denudation of the jungle has on the rainfall and climate should be inculcated in all Government schools :—

"2. Forest fires are caused by—

(*a*) Travellers throwing away the still burning end of their cigars into the dry and inflammable grass standing on the sides of roads and pathways, which lead through forests.

(*b*) Travellers cooking food inside a forest reserve and proceeding on their journey after their meal without extinguishing properly the fire ignited by them.

(*c*) The careless burning of ráb on the borders of forests. The rayat sets fire to the ráb on his field adjoining a forest, then goes home without first seeing that the fire has consumed itself.

(*d*) Evil-disposed people to spite a grass contractor setting fire to forests in view to the destruction of the contractor's grass.

(*e*) Sparks from engines of passing trains igniting grass.

(*f*) Wild tribes setting fire to the grass round 'earths' in order to smoke out rats and other vermin, and allowing the fire to extend and burn regardless of consequences.

(*g*) Mhowra gatherers setting fire to the grass under Mohwra trees so as to obtain a clear floor underneath the tree for the berries to fall upon. The spread or burning out of these fires is mostly left to chance.

(*h*) The deliberate burning of tall grass in big forests by jungle people and travellers in order to destroy cover for big game such as tigers, panthers, bears, and pigs.

(*j*) Invasion of fire from foreign territory where as a rule fire conservancy is unknown.

(*k*) The deliberate firing of pasturage forests by Dhangars, Gowlies and professional graziers under the belief that by the action of fire an earlier or more vigorous growth of grass is secured.

"3 * * * *

The measures of fire conservancy I would recommend for adoption are as under :—

First.—I would have a system of fire traces in all districts, a complete scheme should be prepared for each reserve and should be illustrated upon the map of the reserve.

a. The grass one chain or 33 feet on both sides of a cart road, or of a public highway where it passes through a forest reserve, should be burned in the cold weather.

b. The grass to the distance of 1½ chains or of 50 feet where the border of a forest reserve is conterminous with foreign forests or with private forest or grass lands should be burned in the cold weather.

c. The grass to the distance of 3 chains or 100 feet on both sides of the Railway line should be burned in the cold weather.

Where possible these fire traces should be burned by the Forest Establishments without any cost to Government, but in some heavy and out of the way forest it may be necessary to burn fire traces by hired labour, to be charged in the forest accounts against the prescribed sub-head A VIII.*e.*—Protection from fire.

If the grass is saleable it should be sold to be cut and removed and the stalks remaining should be burnt down.

Second.—Villagers should be made fully aware by the Revenue Officers of the necessity of preventing and extinguishing fires in forests.

a. Translations of Section 78, Chapter XIV, of the Indian Forest Act VII of 1878 should be posted up in a conspicuous place in every village contiguous to a forest,—after it has been read and been explained to the assembled villagers by the head-men of the village.

b. Villagers should be warned that when burning ráb upon a field adjoining a forest reserve, every precaution against the spread of fire should be taken, some one should remain by the fire until it has consumed itself, and a cleared space of one chain or 33 feet should exist between the forest boundary and the ráb.

c. Villagers should be cautioned regarding smoking in a forest reserve, about kindling fires for cooking and about keeping and carrying fire. Cautions and warnings to villagers should be made by proclamation from the Collector through the Revenue Officers, and they should be read and explained to assembled villagers by the village head-men before they are posted up in the village.

Third.—Repression.

a. Detected offences of firing forests should be adequately punished by the magistracy. It is extremely difficult to bring satisfactory proof of a charge of forest burning, but when proof is fully established, punishment should follow and should be prompt and deterrent.

b. The personal responsibility of the Forest Protective Establishments should in the case of forest fires be enforced. The Beat Guard should be fined for every fire, the origin of which cannot be satisfactorily accounted for.

Fourth.—'Conciliation.' I cannot advocate the policy of bribing villagers to refrain from firing forests by giving them privileges of cutting so-called inferior kinds of wood. It would be a very false and dangerous proceeding to do so, and I think no good cause has been shown for such a course. But I would suggest—

a. That villagers, other than those specified in Section 78 of the Forest Act, who may assist at putting out a forest fire should be paid fair wages for the work they have performed.

b. Where fire conservancy has been perfect and special circumstances suggest some recognition thereof, a necessary grant to purchase wood for the village temple or dharmshála or a grant to build a well or other similar project for the benefit of the village community might be made from Forest Funds at the instance of the District Forest Officer.

c. The pátel, other village officer or any person of those specified in Section 78 of the Forest Act, who

may perform some conspicuously good service in the interests of fire conservancy should be specially rewarded upon the approved recommendation of the District Forest Officer.

Fifth.—Special establishments for fire conservancy should be maintained and charged under the prescribed Budget head A VIII. *e.*—Fire protection, in big forests removed from densely populated tracts, such, for instance, the Dángs, the Mándvi Reserves of Surat, the Sátpuda, the Sátmála, the Trans Purna, &c., Reserves of Khándesh, and possibily for the East-Wada, the Alman, Tak-Mak, Gotara, &c., Reserves of the Thána District. These establishments should consist of either patrols upon daily and monthly wages, or forest settlers who should be given land to cultivate, rent free, upon the outskirts of the forests in payment of such forest service.

Sixth.—I strongly recommend the adoption of a suggestion made by Mr. Wallinger, Deputy Conservator of Forests, Poona, that the action of Government, with reference to forest reservation, should be clearly explained to the people who are by no means slow to comprehend when it is shown to them the benefits to be derived to Government, to themselves, and to the country by a strong forest policy. Mr. Wallinger remarks :—

> Much might be done in this way by translating and circulating in the dialect of the district some of the more important public documents having reference to the subject of forests.
>
> For instance, the views of the Famine Commission on 'Forests' might be translated and circulated and explained to the people and in the schools. Again, the published views of competent agriculturists as regards the use and value of trees and forests might be widely made known. As a useful case in point, Mr. Robertson, the Superintendent of the Government Farm in Madras, has lately written as follows : – 'Trees attract rain from the clouds, their shade prevents the sun from drying up the ground too soon, their roots retain moisture and prevent its oozing away to the streams too soon. Where trees abound much rain falls, and what falls is retained in the ground and fertilizing matter also is brought to the fields where there are trees, jungle and forests in the country, so that though trees cause a little loss to the rayat in the ground where they stand they cause him more gain in other ways. Therefore rayats ought to plant topes and even single trees so that on the whole there may be trees on every acre of cultivated land, and the trees ought to be such that their leaves may be used as manure for the paddy or rice fields. Besides this, rayats ought not to recklessly destroy trees in the forests; but for every good tree they are allowed to cut down, they should plant four or five. If they do this, their children will have timber for houses and fuel, the rainfall will not be diminished, nor the soil impoverished; as people will probably become more numerous year by year, the present generation ought not act to spoil beforehand the comfort of their progeny.' The translation and circulation of such a document addressed to rayats of Madras would neither be expensive nor troublesome and would greatly tend, I think, to influence the minds of the people and thus to put a stop to the operations of those who would wilfully endeavour to injure forests by fire or otherwise.

Seventh.—'Evergreen fencing.'

That forest reserves be gradually fenced in by living hedges of evergreen growth. Bambus should take a large part in this work. Gaps should be left where roads and highways lead into the reserve. Fences of this de-

scription will prove remunerative in a fiscal point of view. They will not only define the boundaries of the forests, but they will offer a barrier to the ingress of fire. Of course when the bambus seed and before they dry and become inflammable, they must be cut out and a second growth raised from the old roots."

(G. Rs. Nos. 3577, dated 22nd June 1881, and 4232, dated 21st July 1881, and G. R., E. D., No. 998, dated 4th idem.)

3. The origin of the forest fires is due to two main causes. They are either lighted by native shikáris with the view of more easily approaching their game, or by graziers who wish to produce a new succulent crop of young grass for their cattle. The temptation to interested people to fire the jungle for the sake of improving the grass crop is very great, and it is no doubt a matter of the utmost difficulty to bring incendiarism of this kind home to the actual offender so as to ensure a legal punishment. The only possibility, therefore, of dealing with this question would seem to be to withdraw the temptation by prohibiting the people as much as possible from reaping the benefits of their acts and to close against grazing any area that may have been wilfully lighted for the purpose of improving the grass crop. (G. I., H. D., No. 209-F., dated 5th March 1885; *vide* G. R. No. 2579, dated 26th idem.)

4. The general adoption of the rule stopping free grazing in Government forests for one year when more than one-third of the forest is burned, and for two years when more than half is burned, is sanctioned subject to the condition that each case should be considered on its own merits and decided by the Collector after careful inquiry, and that the penalty should not be enforced unless the Collector has satisfied himself that there has been co-operation, connivance or gross negligence or indifference on the part of the village population as a whole.

The imposition of a hard and fast rule prohibiting free grazing absolutely for a fixed period in every instance in which a forest fire of certain dimensions occurred, might doubtless operate harshly in some cases. Unquestionably in some instances fires originate from accidental causes over which the inhabitants of the forest villages can exercise no control or are caused by the careless acts of casual wayfarers, and persons of wandering tribes, having no connection with the forest villages. In such cases to punish the inhabitants of the latter for results in no degree caused by themselves, would not be an equitable procedure. But when the fires are the consequence of deliberate incendiarism or culpable carelessness on the part of the dwellers in a forest village, it is just and proper that they should be made to suffer for their misconduct or negligence. It will be for the Collector to make inquiry into each case, and to see that when the rule has to be enforced, only the real offenders should bear the loss, the village responsibility being duly regarded.

The Panch Mahâls should for the present be exempted from the operation of the rule.

When feasible, rewards may be given to persons giving information leading to the detection of the causes of forest fires, and to villagers turning out *en masse* to extinguish a fire. (G. R. No. 1942, dated 24th March 1888.)

5. It is not intended by Government Resolution No. 1942, dated 24th March 1888, to withdraw all discretion from a Collector, but merely to cause it to be understood that when possible, a careful enquiry should be instituted. In instances where destructive fires occur through a vast area of forest, and are not accidental in their origin, it rests with the Collector and Commissioner to exercise their discretion in determining what amount of evidence suffices to establish the connivance or complicity of the villagers in the burnt forest tracts and what penalty should be exacted. (G. R. No. 5590, dated 2nd August 1889.)

6. Wherever fire-paths are required in the interests of forest conservancy they must be provided by the Forest Department and not at the expense of the occupants of the lands bordering on forests or within forest limits. The Forest Department must rely mainly on the exertions of its own establishments for guarding the forests against damage. The establishment of the "coupe" system, under which felling is restricted in each season to specified blocks of forest and entirely prohibited elsewhere, must make conservancy more easy than it was when felling was allowed indiscriminately in all parts of the forests. (G. R. No. 7108, dated 6th September 1892.)

7. The following circular No. 5848, dated 29th July 1892, issued by the District Magistrate, Khándesh, for the information and guidance of the Magistrates subordinate to him regarding forest fires was circulated by Government to all District Magistrates for information :—

"The following extract from Government of India's Resolution No. 139, dated 5th February 1892, on the subject of forest fires is forwarded to all Magistrates for information and guidance.

"2. The setting fire to a reserved forest is a very serious offence and, as such, merits severe notice. It is not the actual damage caused at the time that is to be considered, but the injury caused to Government and the people in general by the destruction of the young forest growth and the consequent delay in afforesting the treeless reserves.

"3. The District Magistrate has reason to believe that some Magistrates consider the offence a venial one owing to the absence of any 'intention' on the part of the offender. It is not necessary, however, under the Forest Act that intention should be proved. Carelessness in the use of fire by which a reserve is burnt is equally an offence—but in the meting out of punishment a distinction can be made if the Magistrate sees fit.

"4. The District Magistrate trusts then that all Magistrates will be very careful in dealing with any such forest cases which are brought before them. Forest fires are unhappily but too frequent in this district, and in most

cases it is very difficult to discover their origin, but when an accused has been convicted, the above stated considerations should not be lost sight of, and when the circumstances establish either deliberate intention or very gross carelessness and disregard of ordinary precautions it is obvious that the punishment awarded should be adequate.

Extract paragraph 7 of letter No. 139 of 5th February 1892 from the Government of India to the Chief Commissioner of Assam reviewing the Progress Report on Forest Administration of Assam for 1890-91.

"It is noticeable that out of 17 new cases on account of injury caused to the forests by fire, 13 were compounded. In the opinion of His Excellency in Council, the provisions of Section 67 of the Act should only be applied to such cases cautiously and for very special reasons; any action which might tend to foster in the minds of an ignorant population the idea that firing of the forests, whether of set purpose or through culpable negligence is not a serious offence, or one which in the opinion of Government calls for vigorous suppression, is manifestly to be deprecated. Section 67 was enacted to meet the case of petty offences, like the illicit removal of forest produce; but such cases as those referred to in paragraphs 50 and 51 of the report, in which considerable damage is understood to have been caused by fire to two reserved forests, certainly do not fall within this category."

(G. R. No. 4548, dated 24th June 1893.)

PART XXIV.—FOREST SURVEYS.

1. One survey party of the Topographical Survey of India is to be placed fully equipped and manned at the disposal of the Government of Bombay for the purposes of the forest survey of the Presidency.

The survey party is to be utilized for forest survey purposes in such manner as this Government may think fit.

The cost of the party is to be debited to 'Forests': in other words, half its cost will be borne by Imperial and half by Provincial Revenues.

In consideration of the fact that the party will when engaged in Kánara, as it presumably will be, render unnecessary a separate topographical survey of that district and thus save the Government of India the cost which such a survey would cast upon it if it had to employ one of its parties on the work, the Provincial Revenues should be given a relief of Rs. 5,000, by this amount being added to the Land Revenue assignment, while the party is in Kánara.

The normal scale for the forest survey maps should be one of 4 inches to the mile, but on sufficient cause being shown by the Conservator of Forests, the Government of Bombay may direct that the survey and maps of any special forest block or area be made on the 8 inches to the mile scale.

The maps to be printed at the Poona Government Photozincographic Press, the charge being debited to 'Forests'.

The officer at the head of the party is to be granted the same travelling allowance as a Conservator of Forests and is to be under the control and supervision of the Survey and Settlement Commissioner, supervision over his work being also maintained by the Surveyor General of India.

The topographical survey of the non-forest portion of Kánara is to be made by the forest survey party on the 2 inches to the mile scale.

The Government of India may whenever it deems fit withdraw the second topographical survey party employed in this Presidency at the date of these orders and paid for by it.

(G. I., R. & A., No. 1095, dated 5th November 1888; *vide* G. R. No. 7704, dated 19th idem.)

2. The normal scale for the forest survey maps should be one of 4 inches to the mile, but it is open to the Conservators of Forests to obtain sanction at any time before a survey is taken in hand for the enhancement of the scale to 8 inches to the mile if the forests are very valuable or for the utilization of the ordinary topographical maps on the 2 inches scale if the forests are of little value, full reasons being given in each case for departure from the normal practice. (G. Rs. Nos. 5307, dated 7th August 1888, and 8185, dated 7th December 1888.)

3. The Governor in Council cannot accept the view that surveys made on the scale of 4 inches

to the mile are absolutely useless for forest purposes. The 4-inch scale would seem to be amply sufficient for the bulk of the Deccan forest lands where the trees are at present comparatively few and small and the forests are of limited value. The valuable teak reserves in the Poona and other districts, the Thana forest and other forests, of real value, should, however, be surveyed on the 8-inch scale, as in the case of such forests the larger scale and the larger maps are needed for the preparation of the working plans.

In future the Conservators should furnish to the Survey and Settlement Commissioner at the commencement of the rains their proposals as to the scale of inches to the mile on which the survey should be made in the forests to be surveyed and mapped during the approaching working season. If the scale proposed exceeds or is less than the normal scale of 4 inches to the mile, the Commissioner should obtain the orders of Government as to the scale to be adopted. (G. R. No. 11, dated 3rd January 1889.)

4. The normal scale of the forest survey map should be 4 inches to the mile and this scale should, as a rule, be adopted, the 8-inch scale being only sanctioned exceptionally and on sufficient grounds being shown. (G. I., R. & A., No. 577-F., dated 7th July 1890; *vide* G. R. No. 6059, dated 26th August 1890.)

5. The 8-inch scale should be adopted in conducting the forest surveys throughout the Kolába District. (G. R. No. 7196, dated 9th September 1892.)

6. As regards the powers of the Survey and Settlement Commissioner to sanction in connection with the forest survey any charges outside the regular establishment charges, the same rule should apply to that as to the revenue survey. (G. R. No. 6799, dated 11th October 1888.)

7. Expenditure on account of forest surveys will be provided under the head of "Forests," but it will be entirely under the control of the Survey and Settlement Commissioner instead of the Surveyor General of India. The rules of the Forest Department Code need not, therefore, be applied to it. (G. R. No. 7027, dated 23rd October 1888.)

8. The accounts of the forest survey should be rendered in the particular form used for forest accounts, but this will not in any way interfere with the control of the Survey and Settlement Commissioner, or render applicable the general rules of the Forest Department Code. (G. R. No. 8600, dated 24th December 1888.)

9. Fifty copies should be printed of each of the forest survey sheets. (G. R. No. 5629, dated 9th July 1892.)

10. The Superintendent, Photozincographic Office, Poona, should supply, as soon as printed, two copies of all forest maps prepared at his office to the

Inspector General of Forests and three copies direct to the Superintendent of Forest Surveys, Dehra Dun. The copies to be supplied to the Inpector General of Forests should be mounted on cloth in half foolscap size. (G. Rs. Nos. 4842, dated 5th July 1893, and 8037, dated 2nd November 1893.)

11. The officers of the Survey of India Department in charge of forest survey parties in the different provinces should furnish to the Conservators of the Forest Circles concerned, early in July of each year, information respecting the forest survey work done since the 1st October preceding. Field work closes ordinarily not later than the end of June, and although final figures cannot be made available until the conclusion of the survey year, approximately correct information regarding the forest area triangulated or surveyed, cost, rates, &c., can be furnished to Conservators in time for incorporation in their administration reports for the forest year ending 30th June. (G. I., R. & A., No. 637-F., dated 19th June 1893; *vide* G. R. No. 5315, dated 22nd July 1893.)

PART XXV.—WORKING PLANS.

1. The value of, and necessity for, working plans carefully prepared and drawn up on a scientific basis appear to be unquestionable. The importance of such plans has been fully recognized by the Government of India in respect of the forests in the provinces where the forest administration is directly under the control of that Government, and if such plans are requisite in the Central Provinces, Bengal, the Panjáb, Burma and the North-Western Provinces, they are equally needed in respect of the extensive and valuable forests in the Bombay Presidency, notably in Thána, Kánara, Sátára, the Dángs, Násik, the Panch Maháls and Belgaum. Without such a definite scheme of operations founded on careful calculations after personal inspection and examination there is a serious risk of the forest capital being unduly drawn upon, and of excessive cuttings being made in the present which after the lapse of a few years might lead to a partial collapse of forest revenues. There is also the danger, though this is less to be apprehended, that forests may be worked below their capabilities, and that income may thus be lost which might safely have been earned. (G. R. No. 4641, dated 8th June 1885.)

2. The following is an extract from a Resolution of the Government of India on the subject of the conduct and control of the work devolving on the Imperial Working Plan Branch of the Forest Department, which was communicated to the Conservators of Forests, Northern, Southern and Sind Circles, for information :—

"For some time past the area under private forests has been steadily reduced by indiscriminate fellings, and the demands on the Government forests must increase in a corresponding proportion, while at the same time the requirements of the country in the matter of forest produce are growing with the advancing prosperity of the people and the extension of Railways and other means of communication. This statement is amply borne out by the increase of forest revenue, which has risen steadily during the last five years from 68 lákhs to 106 lákhs of rupees. Judging from this rapidly rising demand on the Government forests, it may safely be predicted that the time is not far distant when, even under the most careful and detailed management, the yield of the areas at the command of Government will barely suffice for all requirements, and, unless the resources of the forests are properly husbanded, it may hereafter be found beyond the power of Government to meet the demand upon them. Moreover, it must not be overlooked that many forests are important factors in the maintenance of climatic regularity and the water-supply of the country, and that frequently, for these reasons alone, systematic management according to a well-regulated plan is essential. There is at present no sufficient guarantee that in the working of the forests due regard is paid to their maintenance and improvement.

"Forest estates are properties requiring special and peculiar treatment, and differ widely from lands which are under ordinary cultivation. In the case of forests, the produce of a particular season cannot, as a rule, be removed at once, but has generally to be kept *in situ* for many years before it becomes fit for the special purpose for which it is

needed. The Forest Officer thus becomes the trustee of considerable capital, on which he may, by over-working the forests, make disastrous inroads for a long period, without the fact coming to the knowledge of the Government, unless a careful account is kept of the growing stock and unless removals are duly regulated with reference to the capabilities of the forest and its power of reproduction. The control necessary to prevent such mismanagement can only be exercised by means of working plans, which must be prepared at first for the more important forests, but eventually for all the forests under the control of Government. On the other hand, forests may now, from fear of over-taxing them, be worked below their capabilities, and thus fail to yield the revenue that may unobjectionably be realised from them. This danger also is obviated by the preparation of proper working plans.

"Every working plan of a Government forest should be based upon the present condition of the forest, and it should deal with all points connected with its management and improvement. The details of this subject must be worked out gradually, but it may here be mentioned that the following are the most prominent matters to which the Forest Officers should direct their enquiries:—

(i) Calculation of the growing stock.

(ii) Calculation of the annual increase.

(iii) Calculation of the quantity of material to be removed, annually or periodically, with due consideration of the productive capabilities of the forest and of the demand for forest produce.

(iv) Arrangements for the re-stocking of all cleared areas by natural reproduction, sowing and planting, protection against fire and grazing, &c.

"The detail or minuteness of a working plan will depend on the demands which are made on the forest, the nature and value of the produce removed from it, and the other purposes which it is to fulfil. Where the demand equals, or exceeds the possible yield, working plans must be prepared with the greatest minuteness, and everything connected with the management must be arranged so as to obtain the highest yield which the forests are capable of returning under the most careful treatment. Where, on the other hand, the demand is as yet below the ordinary capability of the forest, a more rough and expeditious procedure may be followed. With the view of bringing all important forests under systematic management as soon as possible, the first working plans may be of a simple description and based on such data as may be readily obtainable, to be superseded by more accurate plans as the detailed information required for their preparation becomes available."

(G. I., H. D., No. 21-F., dated 6th December 1884; *vide* G. R. No. 89, dated 7th January 1885.)

3. The following Resolution of the Government of India was communicated to the Government of Bombay for information. Copies of it were forwarded by the Bombay Government for information to the Conservators, to the Commissioners, and to all Collectors for communication to the Forest Settlement Officers in their respective districts:—

"It is regarded by the Government of India as essential, in order to secure the stability of working plans, that the status of all Government forests, especially with regard to the rights of village communities or private persons, in or over any land or forest produce in such forests, should be ascertained, finally settled and recorded in the manner contemplated by the Indian Forest Act (VII of 1878). His

Excellency the Governor General in Council considers that the time has arrived when each forest reserve or protected State forest should be worked on a carefully considered plan, and since, in the Circular Resolution of this Department, No. 21-F., dated 6th December last, the record and control of working plans has been centralised and vested in the Inspector General of Forests, it is now thought necessary that Local Governments and Administrations should submit to this Department, for information and for record in the office of the Inspector General of Forests, copies of the final settlement orders under the Act for each reserved and protected forest, together with a statement of the boundaries laid down in the notification declaring the forest to be reserved or protected, as the case may be.

"2. When any forest has been gazetted under Section 34 of the Forest Act, before private rights had been enquired into, settled and recorded, and such rights have not since been enquired into, settled and recorded in the manner provided by Chapter II or Chapter IV of the Forest Act, this fact should be reported in each instance, and explanation be afforded of the reasons which have delayed the final settlement.

"3. The Forest Act provides that, until such enquiry, settlement, and record have been completed, the declaration made under Section 34 constituting any forest property a reserved or protected forest, shall not affect or abridge any existing rights, while on the other hand no new rights can be acquired, save under Sections 22 and 23. Under these circumstances delay in completion of the settlement, though it does not theoretically affect existing rights, will not only make the necessary enquiries increasingly intricate and difficult, but may cause eventual dissatisfaction through the non-recognition of claims which may have been allowed to pass unchallenged during a series of years. The Governor General in Council, therefore, trusts that pending settlements may be brought to completion as soon as practicable.

"4. In carrying out this work it would simplify matters greatly if Forest Settlement Officers noticed more carefully than has sometimes been the case, the fact that the Act only requires them to ascertain, settle and record actually existing rights, and does not contemplate their making provision for prospective or non-existent wants of communities or private persons. It is for the Executive Government to determine how its forest estates when duly constituted can best be worked in the interests of the community at large; and the Governor General in Council has full confidence that all Local Governments will so control and direct the management of the State forests by their Forest Officers as to make them subserve the reasonable requirements of the neighbouring population, so far as is consistent with the exigencies of sound forest conservancy.

"5. A closer adherence to the provisions of the Act would frequently save much embarrassment to the Forest Department, and would in no way interfere with the subsequent exercise of the discretion of the Executive Government in popularising, as far as may be possible, the management of its forests."

(G. I., H. D., No. 21-F., dated 31st August 1885; *vide* G. R. No. 8004, dated 2nd October 1885.)

4. The terms given in the following list embrace all the different kinds of fellings made in forests in India, and the Government of India have directed in their Circular No. 25-F., dated 13th August 1889, addressed to certain Local Governments and Administrations, that in future these terms and no others should be used (in returns, tabular statements

&c.,) when describing such operations. The circular was communicated to the Government of Bombay for information, and copies of it were forwarded by this Government to the Conservators for information :—

List of terms to be used in describing fellings.

Regeneration Fellings.

Fellings made with the view of replacing the existing crop of trees by a new crop. These are classified in accordance with the method of treatment as follows :—

(1) *Regular Fellings*, whereby it is sought to produce, by natural means from self-sown seedlings, a new crop regular in its constitution. Such fellings may be "preparatory," "secondary," &c., or "final," and all but the last may be either "close" or "open."

(2) *Selection Fellings*, which consist in the methodical removal of the exploitable trees in a forest, either singly or in groups, with a view to producing, by natural means from self-sown seedlings, a new crop irregular in its constitution.

(3) *Coppice Fellings*, of which the object is to produce a new crop composed of shoots and suckers from the stools and roots of the trees felled. Such fellings may either be "clean," in which case "simple coppice" is produced; or a certain number of trees may be reserved as "standards" over the coppice, in which case the resulting crop is called "coppice with standards."

(4) *Clean Fellings*, made with the view of restocking the area felled by planting or sowing it.

Amelioration Fellings.

Fellings made with the view of improving the condition of the existing crop. These include :—

(5) *Improvement Fellings*, which consist in the cutting out of ill-grown or injured trees, or trees of inferior species, with a view to their being replaced by sound coppice or by seedlings of a better kind, or in order that the blanks so caused may be planted up.

(6) *Thinnings*, which consist in the removal, from an immature crop, of stems of either the principal or accessory species in order to give the crop of the future more room for unconfined growth.

Unclassed Fellings.

(7) *Unclassed Fellings* include the unmethodical removal of trees by right-holders or grantees, or by purchasers, under permits or trade licenses.

(G. R. No. 6887, dated 13th September 1889.)

5. The local circumstances of the Konkan make it necessary that the unit of working area should be comparatively small, and that the annual fellings should be numerous and widely distributed. The importance of decentralising forest labour is obvious in a tract where the local demand for forest produce for domestic and agricultural purposes is exceptionally large, and where so large a proportion of the population depends mainly for its subsistence on the wages earned by felling, carrying and distributing such produce. Forest blocks as well as compartments must also be of small size, so that the open portions of forest available for grazing may be within convenient distance of the different forest villages. The success of the system now under trial for supplying the cultivators with loppings for ash manure from the annual coupes also clearly depends as much on the number and situation of the coupes as on the actual quantity of such material made available. Government recognizes the necessity of cutting compartments when due, and expects that the Revenue Officers will cordially co-operate in inducing the cultivators to utilise the ráb material obtainable from the fellings to the fullest possible extent consistent with the due protection of the coupes. The conservation of the young growth in the coupes is a matter of serious importance, and the measures adopted to secure the object in view should be specially noted in the Forest Administration Reports. (G. R. No. 1899, dated 13th March 1891.)

6. Conservators should adhere strictly to the working-plan rotation of "coupes." (G. R. No. 3609, dated 25th April 1892.)

7. All working plans should before final sanction be submitted to the Collector of the district concerned for careful scrutiny, it being essential that the Collectors should have full opportunity of judging of the effects of the proposed closures of forests and of suggesting such modifications in the plans as are imperatively necessary to meet the reasonable wants of the people. All working plans should be submitted for the approval of Government through the Collector and Commissioner concerned. (G. R. No. 5107, dated 20th June 1892.)

8. When working plans have been formally sanctioned by Government, the Collector of the district, subject in cases of dispute or doubt to the control of the Divisional Commissioner, is the officer responsible for their due observance. (G. R. No. 10056, dated 22nd December 1892.)

9. The Conservators and Deputy Conservators should act on the suggestion made in the following paragraph 12 of the Government of India's letter No. 1430-F., dated 14th November 1892, as regards the collection and record of information on the respective adaptability of different trees for coppice purposes :—

"12. The notes contained in the Conservators' reports on the subject of reproduction have been perused with considerable interest. The reproduction by coppice would seem to have been generally favourable. This result is important, as the working plans in the Bombay Presidency are to a great extent based on regeneration by this method of treatment. The Government of India recommend that accurate information should be collected as regards the relative adaptability for coppicing purposes of trees of different species and age, and that any reliable observations on the subject should be recorded in an easily accessible form, either as an appendix to the annual reports or in the pages of the 'Indian Forester.' The regeneration of forests by seed and more especially the afforestation of blanks or waste areas is a much slower process than coppicing, and it is not to be expected that considerable changes will take place from year to year."

(G. R. No. 10056, dated 22nd December 1892.)

10. Forests must be classified and the system of management and agency settled before working plans can be made out satisfactorily, except for such tracts as must certainly be included in forest proper. Every effort should, however, be made to push on demarcation on the ground in all forest of that description, so far as it is possible to do so with existing establishments. (G. R. No. 6375, dated 2nd September 1893.)

11. So long as local supply is not affected, and the wants of the villagers can be otherwise provided for, a matter regarding which the Collector is best able to judge, Government will not insist on the departmental felling of coupes for the produce of which there is no demand. It is most desirable, however, that, as far as possible, the coupes should be felled in regular rotation; otherwise the regularity and the orderliness of the rotation system is lost, and it is deprived of its main advantage when, owing to areas that should have been cut in previous years being left standing, the Conservator's forecast of the area to be cut, and, therefore, of the quantity of timber he has to put on the market, is upset. Where a coupe has not been felled in its proper year, every effort should be made to dispose of it in the following season. (G. R. No. 4944, dated 8th July 1893.)

PART XXVI.—CONTRACTS.

1. There is no reason why the work of cutting in the Government forests should not be done by contract; it is a ruinously destructive plan to turn a wood contractor loose into a forest and allow him to cut *ad libitum*. The system of cutting by license should be strictly prohibited throughout the Presidency. (G. Rs. Nos. 4079, dated 22nd September 1869, and 5441, dated 7th November 1870.)

2. The system under which contractors have been permitted to fell trees without supervision or restriction, paying only for logs actually removed from the forests, is faulty, and the grant of contracts under this system should cease. Government would remind Forest Officers that the selection of trees for the axe forms one of the most important portions of their duties. (G. R. No. 5919, dated 24th November 1871.)

3. Large contracts should not be entered into except with the approval of the Conservator, who should, if necessary, obtain legal opinion as to the terms in which the contracts ought to be drawn up. (G. R. No. 1230, dated 10th March 1874.)

4. The following circular No. 1151, dated 6th May 1874, issued by the Conservator of Forests, N. D., as regards the procedure to be observed by District Forest Officers in the matter of entering into contracts, was approved by Government:—

Circular.

"The Conservator of Forests, N. D., has to direct attention to the repeated orders of Government that contracts are not to be entered into except with the approval of the Conservator.

The following procedure in reference to contracts must invariably be observed:

I.—The form of agreement is, in the first place, to be drawn upon unstamped paper in the District Forest Office, showing rates and every other detail in respect to the contract; it is then to be submitted to the Conservator for approval.

II.—The Conservator will, if necessary, revise the terms, making any additions or eliminations that may be considered requisite, and will then sign and return to the District Forest Officer the approved form of agreement with all the alterations entered and initialled.

III.—The latter will thereupon proceed to execute this on stamped paper of the proper value which will be intimated to him.

IV.—After the draft of a contract agreement has been approved of by the Conservator, no alteration in the sense, bearing or value of any clause or term in the document is on any pretence to be made by the District Forest Officer without reference, but the sanctioned draft is to be copied word for word. Of course where clerical errors may be found, they can be rectified.

V.—After the agreement has been executed, an attested verbatim copy will be forwarded to the Conservator, with a report pointing out the clerical errors, if any, in the original draft that may have been rectified in the legal instrument.

VI.—In order that the Conservator may take legal opinion as to the terms in which a contract should be drawn up, it will be necessary for the drafts to reach his office at least 15 days before the date upon which it is proposed to sign and execute the agreement.

VII.—When the Conservator conveys by letter his approval to a recommendation from the District Forest Officer that a certain specified work should be undertaken by contract, it does not follow that the latter is thereupon to enter into a stamped agreement; the approval extends only to the agency by which the operation is to be performed, and the draft of agreement has still to be submitted for sanction.

VIII.—The deposit money lodged by a contractor is in no instance to be returned until the contractor has been supplied with a completion certificate, and the orders of the Conservator obtained directing the return of the deposit.

Every Forest Officer will acknowledge the receipt of this circular and will report that he has made himself acquainted with the orders herein contained, and has placed them on record both in English and Maráthi Daftar."

(G. R. No. 4397, dated 1st August 1876.)

5. Copies of any notifications which may be issued by the Local Government under the Resolution of the Government of India, Home Department, No. 23—1411-23,* dated 15th October 1878, prescribing the extent to and limits within which contracts and other instruments in matters connected with the administration of forests and with the business of the Forest Department generally may be executed by Forest Officers, should be forwarded to the Government of India in the Department of Revenue, Agriculture and Commerce, Forests, for information. (G. I., R., A. & C., No. 64-F., dated 7th November 1878; *vide* G. R. No. 5978, dated 20th idem.)

* Printed at page 449 of the Compilation of General Rules.

6. When palpable frauds are committed, the officials who afford facilities for their perpetration by disobedience of orders or negligence in the performance of their duty should be dismissed. Government cannot with propriety continue to employ them even on reduced salaries. When frauds are committed or losses sustained by Government in connection with contracts, &c., a full and detailed departmental enquiry should be promptly instituted by the Divisional Forest Officer and a report submitted to Government. (G. R. No. 8146, dated 7th October 1885.)

7. The duty of preparing contracts or agreements should not be entrusted to or performed by ignorant kárkuns and illiterate clerks. The Conservators of Forests should in consultation with the Remembrancer of Legal Affairs prepare draft forms of the various kinds of contracts or agreements ordinarily entered into, and these forms should be strictly adhered to with such minor variations as the circumstances of each individual case may render necessary. (In future, full publicity should be given to all contracts intended to be granted, tenders

called for, and the tenders forwarded to the Conservator of Forests for consideration and orders.' (G. R. No. 8146, dated 7th October 1885.)

8. In notices calling for tenders it should be specified that all earnest money received will be forfeited if on the acceptance of the tender the tenderer fails from any cause to fulfil the contract. (G. R. No. 4309, dated 14th June 1889.)

9. The power of cancelling contracts is exercised by Conservators only in pursuance of conditions contained in the contracts themselves, and so far as this is the case, it is not necessary or desirable that their discretion should be hampered or their power curtailed. (G. R. No. 8178, dated 8th November 1893.)

10. No contract entered into by a Forest Officer subordinate to a Conservator of Forests is valid and binding on the Government, unless it is within the authority conferred on such subordinate by or under Government Notification* No. 608, dated 4th February 1879, published in the *Bombay Government Gazette* for 1879, Part I, page 94. That Notification and the Statute (33 and 34 Vic., c. 59, s. 2), under which this Government was empowered by the Governor General in Council to issue it, are a law with which every Forest Officer and every contractor who has dealings with the Forest Department must be held to be acquainted, and Government may safely repudiate responsibility under any contract not executed in strict conformity with the notification. (L. R. No. 1710, dated 14th October 1891; *vide* G. R. No. 7347, dated 28th idem.)

* Printed at page 451 of the Compilation of General Rules.

PART XXVII.—FOREST RIGHTS OF INÁMDÁRS.

1. The following rules* for the management of forests in which the Izáfatdárs in the Thána Collectorate have a share have been sanctioned by Government on the distinct understanding that the Izáfatdár himself derives a revenue in which Government have a share from the 'forest produce' mentioned. If the Izáfatdár does derive a revenue from 'karvi' or other minor produce, Government, by the terms of the Izáfatdár's tenure, have a right to share in it, and there is no reason why that right should be foregone. But Government do not intend this rule to be wrested so as to make it imperative on Izáfatdárs to demand a revenue on such minor produce when the people have hitherto obtained it free from the Izáfatdár's forests, or to sanction implicitly new taxation of such minor produce in Government forests.

Government have no objection to these rules being made applicable to all Inámdárs who exercise forest rights and pay judi on them to Government, but before they are applied, the Conservator should ascertain from the Collector and the Legal Remembrancer that no legal objection can be taken by the Inámdárs.

With regard to Rule VII, it is observed that it is unnecessary to give an Izáfatdár, who cuts but little, unnecessary trouble, and on the other hand, when heavy cuttings are going on, more frequent examinations of accounts may be advisable. Similar arrangements can be made as regards the payment of the instalments of judi :—

Rule I.—At least two months before the commencement of any cutting in the forest, the Izáfatdár will deliver a yádi to the Mámlatdár of the táluka in which his village is situated to be forwarded to the District Forest Officer, stating the following particulars :—

(1). The species of trees, or descripton of other forest produce that he purposes to cut, *i. e.*, whether teak, blackwood, rywal (building timber), firewood, bambus, karvi, or other.

(2). The approximate amount of each kind or description, and the circumference and length of the trees and poles which he intends cutting.

(3). The limits within which the fellings are to take place, *i. e.*, whether the entire forest area of the village is to be operated upon or a certain portion of it only.

(4). The period or periods of felling: from what date to what date.

(5). Whether the Izáfatdár is going to cut the timber, &c., himself, and afterwards sell it either at once to a particular person or persons, or from

*Note.—It appears from the correspondence underlying these rules that they refer to those Izáfat villages which were brought under Gordon's Watan Settlement. As regards other villages to which this settlement was not applied, the Izáfatdárs did not acquire any forest rights in their holdings.

time to time as purchasers may be found, or whether the trees or other forest produce are to be sold standing in lump to a contractor, or to different purchasers, who will fell and remove the material at their own cost.

(6). If any contract or agreement have been entered into either for cutting and purchasing or for purchasing only, a copy of every such contract or agreement shall accompany the yádi, if the same be in writing, and if oral, the terms as to prices, quantities and other particulars shall be fully set forth in the yádi.

Rule II.—The Izáfatdár will issue a pass with every cart, raft or load of timber or other forest produce exported from his village, whether by himself or his servants, or by contractors or purchasers. Printed forms, with counterfoils to be retained by the Izáfatdár, will be supplied for this purpose by the District Forest Officer at cost price, in which the following details will be filled in under the signature of the Izáfatdár, or of his authorized agent:—

1. Species and description of forest produce, *i. e.*, whether timber, (and, if so, its kind,) firewood, bambus, karvi, &c.

2. Form and shape, *i. e.*, whether logs, rafters, beams or other.

3. Quantity, *i. e.*, cubical measurement or number of pieces.

4. Price paid, or to be paid, and name of contractor or purchaser, and date of his contract or agreement.

5. Distinguishing mark.

6. Destination.

7. Date when pass was granted, and how long it is to continue in force.

Rule III.—If any timber or other forest produce is removed from an Izáfatdár's village, except under cover of a pass duly filled in and signed as prescribed by the last rule, it shall be liable to seizure by any Forest or other Revenue or Police Officer, and to be disposed of as if it were the property of Government.

Rule IV.—The following accounts in connection with their forests will be kept by Izáfatdárs:—

(1). A stock account book showing in detail all the material felled and brought out of the forests, and how the same is disposed of, in Form A* hereto annexed.

(2). A Roz-kird or daily cash book, in Form B* hereto annexed, in which every money transaction connected with the forests of the village will be entered.

(3). A Ledger of the above in Form C.*

(4). Pass books in which shall be kept the counterfoils of all passes that have been issued,

*Not printed.

containing all the details required in the passes themselves.

(5). A memorandum-book of the date and terms of every contract or agreement, either written or verbal, entered into by the Izáfatdár for sale of forest produce, with the names and residences of the contractors or purchasers.

(6). Receipts shall be taken and kept for all disbursements, and shall be granted for all sums received, and duplicates of the latter shall be kept and filled in chronological order.

Rule V.—The above accounts will be kept by the Izáfatdár in person or by an agent appointed and paid by him, who should be provided with a power of attorney from the Izáfatdár to collect monies and issue passes on his behalf, a copy of every such power of attorney being forwarded as soon as the power is executed to the District Forest Officer for his information.

Rule VI.—The accounts will be closed and balanced at the end of every official year, *i. e.*, new accounts will be opened on the 1st April of every year, and closed on the 31st March of the following year.

Rule VII.—On the dates noted in the margin or on such other dates as the Collector and Conservator may appoint, the Izáfatdárs will either bring or send by their authorized agents to the táluka kacheri all the accounts required to be kept by Rule IV fully made up and complete to date, together with the originals of any written contract or agreement into which they have entered for the sale of forest produce. The accounts will then be compared and examined by the Forest Inspector of the táluka and the Mámlatdár, in conjunction with the Izáfatdár or his authorized agent, and if found correct, the amount of judi payable to Government will be ascertained from them, and recorded in the Roz-kird under the signatures of the Mámlatdár, the Forest Inspector and the Izáfatdár or his agent. In the event of any dispute as to the correctness of the accounts, a reference will be made to the Collector by the Mámlatdár, who will forward the written explanation or objections of the Forest Inspector, and of the Izáfatdár or of his agent, together with his own opinion as to the points in dispute.

1st March ... }
1st July ... } of every year.
1st December ... }

Rule VIII.—The judi shall be paid by the Izáfatdár or his agent into the Mámlatdár's Treasury to the credit of the Forest Department within 7 days after the amount due has been determined.

Rule IX.—The Collector of the District or Assistant Collector, the Conservator of Forests, the District Forest Officer, the Táluka Forest Inspector, or the Mámlatdár shall be at liberty to call for and examine the Izáfatdár's accounts in his village at any time when any such officer may think fit to do so, and the Izáfatdár or his agent shall render

every assistance in his power towards this work, by producing his books and papers and explaining items.

Rule X.—The Conservator of Forests, acting under the orders of Government, will appoint as many Rakhwáldárs, or other forest subordinates, as he may from time to time think proper in each Izáfatdár's village, in order to protect the interests of Government, the salaries of all such servants being disbursed by Government; and no objection or resistance shall be offered by the Izáfatdár or by any of his servants, contractors or purchasers to the performance by any such Rakhwáldár, &c., of the duties assigned to him.

(G. R. No. 6770, dated 2nd December 1875.)

2. The rules sanctioned in Resolution No. 6770, dated 2nd December 1875, ought, if worked with care and consideration for the position of the Izáfatdárs, to prevent any serious difficulty in the future, unless indeed actual fraud is attempted against Government. Government can only claim a share of the Izáfatdár's actual income from the forests, and as the management of the forests has been resigned unreservedly into their hands, the Forest Department will not be justified in interfering in any way with a view of securing either a more economical or a more profitable management.

But if any Izáfatdár fails either to pay what is due from him or to render a true and fair account of his income from the forest, a suit will lie at any time to compel him to do so. And from the time the above-mentioned rules were communicated to the Izáfatdárs a suit will lie to compel them to produce the accounts, &c., therein prescribed, or to recover damages in case of failure.

But it would not be advisable to institute a suit in any case without serving upon the Izáfatdár, in the first instance, a written notice fully setting forth what is required of him, and allowing him a reasonable time for compliance. He should also be informed that, in the event of his failure to do what is required, legal measures will be resorted to to compel him to do so. In such a case as that of the Izáfatdár's making deductions in his account which the Conservator considers unauthorized, he should be called upon to furnish details, and a statement of his reason for making the deduction, and then, if it is thought that he is in the wrong, he should be so informed, and if he does not yield, a written notice may be served on him as stated above. (L. R. No. 426, dated 1st May 1876; *vide* G. R. No. 2867, dated 12th idem.)

3. Government are entitled to calculate judi on the Izáfatdár's actual income from his forests, and not upon the Forest Department's estimate of their value. The difference between the value of the actual outturn of wood and the price paid for it by the purchaser to the Izáfatdár, is the purchaser's profit on the transaction; with that Government

have nothing to do. A gross discrepancy between the actual value and the selling price would, of course, give rise to a suspicion of fraud which would necessitate care on the part of Forest Officers in ascertaining whether the transaction was a *bonâ fide* one or not. It should be remembered, however, that the Courts never presume fraud, but always require distinct proof of it.

(L. R. No. 594, dated 24th June 1876; *vide* G. R. No. 3866, dated 5th July 1876.)

4. In cases where at the time of the settlement forest rights had been specially reserved, and were not in the enjoyment of the Inámdár, he should be held to have no claim whatever to them. In such cases the Collector may, if he thinks fit, either retain the forests on account of Government, or else sell them for their full value to the Inámdár. The Collector will exercise this discretion only after consultation with the Forest Officers.

In cases where the Inámdár has at the time of settlement exercised rights of forests, and the land has not been specially set apart for valuation, according to Rule 2 of Section 2 of (Bombay) Act II of 1863, then the settlement should be made according to the survey assessment, irrespective of the value of the trees, which should be held to belong unreservedly to the Inámdár.

In cases where the Inámdár has at the time of the settlement exercised forest rights, and the land has not been surveyed and assessed, but has been reserved for special valuation,* then in making the settlement the value of the land for purposes of cultivation, together with the value of the forests growing thereon, should be taken into consideration.

Cases that have already been finally decided are not to be interfered with.

(G. R. No. 1796, dated 11th May 1867; and S. of S. No. 7, dated 31st August 1867; *vide* G. R. No. 3538, dated 17th October 1867.)

5. Where the right to the trees has hitherto unquestionably belonged to Government, then they should be either felled and sold, or disposed of in any other way the Conservator may advise. Inámdárs or others who attempt to make away with trees of this description should be criminally prosecuted.

In cases where the absolute right of Government in the trees cannot be established, there appears no remedy against an Inámdár who refuses the settlement as regards trees when the summary settlement of the land revenue of the village has been already effected.

(G. R. No. 1044, dated 14th March 1867.)

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* *Note.*— Land which yields revenue both from cultivation and from forest produce is clearly of such an exceptionable character as not to be assessable under the survey rules, which do not provide for forest revenue being taken into account in assessment of land. (G. R. No. 5518, dated 19th August 1887.)

6. The following rules for regulating forest rights in the alienated villages in the Panch Mahâls were approved by Government. These are not detailed rules for the management of the forests, but are general rules to instruct alienees as to their exact position and to let Revenue Officers also understand this :—

(1). For forest purposes alienated villages in the Panch Mahâls are divided into three classes :—

I. Villages in which there is no forest.

II. Villages in which there are forests, but the forest rights in which have been conceded by sanad to the alienee or the lands of which, not the revenues merely, have been granted to the alienee.

III. Villages in which there are forests and in which neither forest rights nor the land has been conceded by sanad to the alienee.

(2). With the trees in Class I, no interference by Government officers is to be allowed except to prevent trees being cut and carried in such a manner that might lead to robberies in neighbouring preserves.

(3). With the forests in Class II, Government Officers should not interfere in any way except to enforce the rules given below, or other rules duly promulgated.

(4). As regards Class III, as the alienees have no right to the forest lands nor to anything growing thereon, the forests belong exclusively to Government and are to be managed as ordered in the following rules.

(5). Forests include all lands classed as reserved and protected forests with the sanction of Government.

(6). Government will not interfere with the enjoyment of the usufruct of forest produce by alienees on lands not declared to be forests under the preceding rule, except in the case of trees or classes of trees once for all specially reserved.

(7). In villages coming under Classes I and II, alienees may cut wood and timber in small quantities for their own use at pleasure, but if any alienee wishes to cut any large quantity of wood, or wood of the value of Rs. 30 or upwards, he must intimate to the District Forest Officer his intention in writing one month before he intends cutting, stating—

(*a*) The kind of timber he means to cut.

(*b*) The amount he intends to cut.

(*c*) The probable value of the same.

(*d*) The purpose for which it is to be cut.

If the wood is for removal to another village, the alienee must apply for and obtain a pass from a duly authorized officer before such wood is moved from the forest in which it is cut. Such

application shall, in addition to the above particulars, mention the destination to which the wood is to be moved. The pass will specify the quantity of wood to be removed, its description, the route by which it is to be carried, and to whom the pass is to be returned. Any failure to attend to this rule, or to conform to the conditions of the pass, will render the parties concerned in the removal liable to the penalties prescribed in the Rules under Chapter VIII of the "Indian Forest Act, 1878."

(8). The proprietor of any alienated village entitled to exercise forest rights who may wish to do so, shall provide himself with

(*a*) A brand for stamping wood, which must either be obtained through the District Forest Officer, or be submitted to him for approval, in order that the brand may be registered.

(*b*) A pass-book which will be supplied by the District Forest Officer. This pass-book to consist of pages with counterfoil, which latter, on passes being issued by an alienee, must be retained in his possession and must, on demand, be produced before the District Forest Officer for comparison with the passes.

(9). When an alienee sells wood in his own village for removal elsewhere, he shall issue for each cart or set of carts, or for each beast of burden or set of such beasts of burden in one party, a pass specifying the quantity and description of wood sold, the jungles from which it has been cut, the route by which it is to be taken, and the náka by which it is to pass and at which the pass is to be delivered. He shall likewise brand each log, rafter, plank, &c., exceeding (3) three inches in diameter or width with the brand sanctioned or issued by the District Forest Officer under Rule 8, unless exemption is specially granted by the District Forest Officer.

(10). Further rules regarding the removal, &c., of wood from these forests will be found in the rules under Section 41 of the Indian Forest Act, and penalties for disobedience of Forest Rules are also therein set forth.

(G. R. No. 952, dated 22nd February 1879.)

7. The following memorandum prepared by the Remembrancer of Legal Affairs, showing the opinions and conclusions of Green, J., and West, J., upon the various questions of fact and of law in the Kánara Forest Case, and the line of argument and the reasons which led to that suit being determined in favour of Government, was circulated to the Commissioners, Collectors, Conservators, &c. :—

Nature of the claim.

(1). The plaintiff's principal object in instituting the suit, which was filed on 21st July 1870, was to recover possession of four tracts of forest land (esti

mated by one of the witnesses at about 320 square miles), from which, he averred, he had been wrongfully ejected in execution of an order issued by the Collector on the 20th March 1861, directing that he should be prohibited entirely from cutting or cultivating *kumri*, because his claim to the *kumri* had been rejected by the higher authorities.

(2). Of the four forest tracts the first was in the village of *Goera*, the second in the village of *Kaignád*, the third in the hamlet of *Báli*, and the fourth in the village of *Bhairé*, and they are alluded to in the judgments of the Court under these names respectively.

(3). The plaintiff claimed to be the proprietor of these tracts, of the first three under *sanads* granted to his ancestors or predecessors in title by the former Government, and of the fourth in virtue of long-continued enjoyment (*i.e.*, for 40 years previous to the date of the plaint) "giving or showing right of ownership." He admitted his liability to enhanced assessment under the general revenue law, and, apparently, also the right of Government to take the more valuable kinds of timber (*e.g.*, teak, blackwood, jackwood, poon and sandalwood) from the forests, but, with these exceptions, he claimed full rights over the forests, and in particular

(*a*) that he and no other had the absolute right to have *kumri* carried on within the limits to which his claim related;

(*b*) that he and no other had a right to cultivate, or give in cultivation, jungle land as rice land within the said limits; and

(*c*) that he and no other had a right to cut and dispose of timber.

(4). The evidence as to the three sanads has been most elaborately reviewed by Mr. Justice West, and the general conclusions arrived at both by him and Mr. Justice Green are stated by the latter as follows:—

Title under sanads not established.

(*a*) That it has not been established that they were executed by any person having authority to execute such documents;

(*b*) That circumstances show that these sanads either were not in existence 40 years ago, or, if in existence, that they were suppressed by those under whom the plaintiff claims;

(*c*) That they have never been recognized as valid and binding by any superior officer of the British Government, or been made the foundation of the revenue relations between the plaintiff or his predecessors in title and Government, but that, on the contrary, such revenue relations have been regulated as if the *sanads* did not exist.

(5). The effect of the suppression of the sanads is stated by Mr. Justice West in the following passage :—

"If, having an interest in the land, he chose to forego that interest for 30 years in order to avoid payment of the stipulated rent, he could not at the end of that time come forward and get the interest resuscitated after benefiting so long by its suppression.* * * He would * * have to be treated as having surrendered his lease. More especially is this the case after the notification issued by Mr. Reade in 1811.† Had Sadáshiv (*i.e.*, plaintiff's predecessor in title) then asserted his right, as he was invited to do, he would have been made responsible for the full assessment. By holding back he escaped it; and having gained that advantage by suppressing his lease, a surrender would, on the principle of *Balfour* v. *Weston*, be presumed to prevent his afterwards benefiting again by asserting it."

Prescriptive right to Bhairé forest not proved.

(6). As regards the Bhairé forest, the plaintiff's claim rested simply on its inclusion within the *geni varg* No. 23 of that village. The plaintiff averred that this *varg* had been transferred to him by the former *vargdár*, and although this contention was questioned by the Collector, the Court held that there was no reasonable doubt that the plaintiff was "the person really in occupation of the *varg*," and that "in that character he was dealt with by the Government officers in transactions connected with the *kumri* cultivation of some portion of the forest." But the absence of good evidence of possession and enjoyment of any particular area of the Bhairé forests previous to the year A.D. 1842, when the plaintiff's user was, as will be hereafter explained, "cut down to the employment for *kumri* of lands that had been customarily thus cultivated" was held to prevent the Court's determining that any part of those forests belonged to the plaintiff.

(7). But the plaintiff's pleaders sought to maintain the proposition that quite irrespectively of his alleged title to the forests under sanads or otherwise, "the proprietary right of the plaintiff in the forests claimed is established, and, if not created, yet is evidenced, at any rate, as against Government by the fact that the plaintiff and those under or in succession to whom he claims have from the commencement of the British dominion been charged with, and have paid the assessments called *kumri* assessment (*kumri-korláya*), pepper-assessment and *farmaish*."

Proprietary right of Government to waste lands.

(8). West, J., held that by Hindu law and usage, *vargdárs* were not constituted owners of any definite forest lands where they had not reclaimed them to cultivation. By Mahomedan law, forest lands which had not

† "In 1811 the Collector Mr. Reade published a notification that sanads and writings relating to lands and *vargs* not brought forward and recorded in the accounts of the next *jamábandi*, would never afterwards be recognized."

been obtained by an application, on an undertaking for cultivation, remained the property of the State, and although perhaps private property might, according to that law, grow within the State under the acquiescence of the Government, still such acquiescence to constitute a permanent right must needs have been an acquiescence in an occupation apparently meant to be permanent, and could not be implied from the levy of a rate on a casual and desultory use of the soil. Under British rule, West, J., held "the principle from which we must start is that waste lands belong to the State." Green, J., further observed that the fact of the plaintiff putting forward sanads as the root of his title to the greater portion of the property claimed "is an admission that at the date of those alleged *sanads* the then Government had the power to make the grants in question," *i.e.*, that the forests to which they relate then belonged to the Government.

Pepper-assessment.

(9). With regard to pepper-assessment, Green, J., finds that pepper-creepers were either grown in enclosed or defined places, or that they grew wild in the forests. "The cultivation or gathering of pepper in the forests in question in this suit does not appear to have been a matter of any moment in recent times at least;" but although in the case of pepper-assessment "imposed on pepper groves or gardens, (*i.e.*, enclosed or defined places containing pepper-creepers), it may well be contended that it is an assessment on *land*," Green, J., was of opinion that when imposed in respect of pepper-creepers growing wild it involved "at the most a right to gather the produce of such creepers as there might be in some more or less undefined tract."

Farmaish.

(10). "*Farmaish*" is found to be a money commutation "for vegetable produce formerly supplied in kind by the Government tenants," or "for presents of vegetables or like things customarily made by owners of property" to rájás or to Government officials; and being of this nature an entry of it in a *varg* could not, in Green J.'s opinion, involve any estate or interest in land.

Plaintiff's argument as to effect of payment of *kumri* assessment.

(11). But pepper-assessment and *farmaish* are comparatively unimportant items. The principal issue of the case concerned the *kumri-korláya or kumri* assessment. The argument for the plaintiff was—speaking generally—that payment of *kumri* (and pepper) assessment shows *ownership* in some forest at least, and that as he is the owner of the only *vargs* in the villages and hamlet to which his claim relates, in respect of which such assessment was charged, he is entitled to all waste ground and forest or jungle—in fact to all the

land not regularly cultivated as rice or garden by others within the limits, respectively, of those villages and hamlet.

Origin of *kumri* cultivation.

(12). West, J., after referring to the fact that in the early years of our rule so far from there being any desire on the part of Government to guard the forests against diminution (except as regards teak and blackwood), or unwillingness to deprive itself of its proprietary rights, waste lands "were regarded as of little more value than the air or water" and "for a long series of years they were looked upon as of so little importance that it did not signify by whom they were held," and "any rent however small" that could be obtained for them was "considered as so much gained," enters upon a description of the history of *kumri* cultivation.

(13). "In a thinly populated region of forests like Kánara it was to be expected," he says, "that a system of temporary culture would spring up, which taking the cream of its fertility from a spot enriched with the ashes of the burnt timber, transferred its operations in the next season or next but one, to some new and unexhausted field." Various authors are then referred to, to show that a similar system obtains, or has obtained, in European countries, and the account given of it in A.D. 1830, by "a remarkably* well-informed" Shirastedár of the Collector of Kánara is quoted as being important on account of its having been penned "at a time when the necessity or advantage of checking *kumri* cultivation had not yet occurred to the Government or its officers." A portion of this passage it will be useful to transcribe here. The Shirastedár says :—

Vide p. 537.

"The caste of people who cut the jungle and cultivate *kumri* are the kunbis, who live together in the jungles. These people clear a spot in the jungles and cultivate it with paddy, dhál, castor-oil trees, &c., for one or two years, and they are taxed according to the established custom of the village to which the jungle may belong. A spot so prepared will only yield produce for one or two years, but will not again produce for the next ten years. The jungle must be allowed to grow upon it again, and when it may be desired to bring it under cultivation, the jungle must be cleared as before. These people, therefore, desert the spots, and clear and cultivate others. It is not customary for a person wishing to cultivate *kumri* to make a *darkhást* describing the *chakbandy* (boundary) of the lands he wants, or for him to obtain any order or *patta* for it. These people obtain their livelihood by clearing the jungle and cultivating *kumri*, and this is their constant occupation. They cut and cultivate as they please. After they have cleared a spot and sown it, the Tahsildár collects from them the tax payable according to the custom of the village. In some places this tax is fixed at so much for a couple (man and woman) or so much for a man alone. In others it is fixed according to the number of bill-hooks or hatchets they make use of in clearing the jungle, there being a fixed rate of payment on each bill-hook and another on

each hatchet. Thus these people must be considered as *hangámis* (temporary) and not as fixed cultivators. If these kunbis should clear away jungle and cultivate *kumri* within the limits of a rayat's varg, they pay the vargdár the tax upon it.

"There is no separate *beriz* fixed on a *varg* under the head of *kumri*. The *beriz* is determined with reference to the whole *varg*, and the annual settlement is not made so much for *kumri* and so much for other items. It would be necessary for the future to ascertain how many persons cultivate *kumri* in the Sarkár jungles, and to prepare an account of the *bijwari* of the land so cultivated by them on estimate."

(14). Green, J., on an examination of the *jamá-bandi chittas** recorded in the suit found that out of the 74 times, or thereabouts, in which an amount is entered in the *varg* specifically in respect of *kumri* or *kumri-korláya*, that amount is made up in 66 instances of so many sums of 2 falams 8 tahas (annas) or of 1 falam 4 tahas, these being the rates which were assessed in respect of *kumri* cutting per knife used, *i.e.*, in respect of a man and wife wielding a knife 2 falams 8 tahas were reckoned, and in respect of a single man 1 falam 4 tahas, and that in the remaining 8 instances the impossiblity of dividing the amount into such sums can be accounted for. This fact is accepted by the learned Judge as "an indication that the amount only represents so many knives wielded, as the case may be, by a married pair or single man." This amount was, moreover, he found, "increased when a new tenant or other individual took up *kumri* cultivation under a *vargdár* whilst the *shist* (assessment) on the regular cultivation of the *vargdár*, as distinguished from *kumri*, was fixed. Further, whilst in the case of a *vargdár's* regular cultivation the subject of assessment was so much cultivated land, in the case of *kumri* and wild pepper no localities are referred to as the subject of assessment, so that "in the case of *kumri* the subject of assessment is not, so far as appears on the face of these accounts, so much land or the produce, as such, of land, the assessment is an amount fixed with reference to, and in that sense upon, such and such a number of knives wielded by persons cutting down forest for *kumri* cultivation."

Green, J.'s views as to nature of *kumri* assessment.

(15). "Originally", Green, J., thinks, "*kumri* assessment was entered in *vargs* only as incidental to rice or garden cultivation;" *kumri* assessment entered in a *varg* meant nothing more than a charge to a *vargdár* holding rice or garden ground in consideration of allowing him to send so many cutters into the forests near the *vádis* (hamlets) where he or his ryots lived." "The cutters were * * enabled by the *vargdár* to pursue their labour, receiving advances, and, on the crop being gathered, making payments to him in cash, but probably more generally in kind. This was the so-called 'produce' to the *vargdár* of *kumri*

* Jamabandi chittas = "running account of assessment annually settled and paid."

cultivation, in respect of which he was assessed to Government at so much a knife. * * * The only security for the tax being collected at all, if directly collected from such a class of persons, as chiefly and, in early times at least, almost exclusively were carrying on this cultivation, would be by taking it beforehand, and, at any rate, before they could dispose of the crop. But during the interval how were the cutters to live, and how provide the *korlaya* tax beforehand? So the interposition of a middleman to be answerable to Government, and who could keep an eye on the cutters, advance them necessaries, and take from them so much grain if not cash, as his produce would be eminently convenient to the revenue administration."

Green, J., concludes that payment of *kumri* assessment shows no estate or permanent right in forests.

(16). Looking to the nature of *kumri* and *kumri* assessment as thus ascertained, Green, J., came to the conclusion "that the entry of *kumri* assessment in the plaintiff's *vargs* and its payment for a long series of years does not show or manifest any estate or permanent right at all in the forests, as such, as being vested in the plaintiff, even as to such ground as he might have been able to show had been at former times *kumrieḍ* by his labourers," and that Government had the right to stop *kumri* cultivation altogether in forests not shown to be private property on some other ground than the mere entry of *kumri* assessment in a particular *varg* or number of *vargs*. He also held that even if it should "be considered that the plaintiff had established a right, exclusive of others and permanent as against the Government, to have *kumri* cultivation carried on" in certain places, such a right would not "necessarily involve general ownership in the soil" and "is quite consistent with general ownership in the soil being in" Government.

Was kumri assessment the farm of a poll-tax.

(17). *Kumri* assessment has been regarded in some of the official documents recorded in the case as a farm of a poll-tax, and this view of it was contended for by the counsel for the defence. Green, J., was of opinion that "*korlaya*, when collected by Government direct from the cutters, had the nature of a poll-tax," and that "the fact that it is collected from third persons, viz., *vargdárs*, does not * * alter its essential nature;" but he thought that it would not be "correct to describe the entry of *korláya* in a *varg* as being a farm of a poll-tax," inasmuch as it does not appear that *vargdárs* "paid to Government a fixed lump amount for the right of levying so much per head on the cutters." "Though paying so much a head to Government or having his *kumri* assessment fixed with reference to so much a head" the *vargdár* received from the cutters payments "in money or kind, making his own terms with them." West, J., combats

this theory of *kumri* assessment being a farm of a poll-tax at considerable length, and in several parts of his judgment favours the view that it was "fixed on an estimate of how much *kumri* could be cut at the rate (for *geni hutwali*)* of one rupee for each bill-hook thus employed." It was, he thinks, "a rateable estimate based on profits usually realized," Tippu's regulations having directed that "all *kumri* lands appertaining to the villages shall be brought into the measurement (or survey) and shall be included in the jama."

West, J.'s views as to effect of entry of *kumri* assessment in a *varg*.

(18). West, J.'s views upon the question of the effect of the entry of *kumri* assessment in a *vargdár's varg* vary considerably from those of Green, J., and must be separately stated. In the Panch Maháls, which is the portion of Kánara to which the suit related, it was reported so early as A.D. 1823, (1) "that the villagers assert that all the jungles, great and small, belong, within the boundaries of each village, to the people of that village," (2) that "the whole *kumri* assessment is entered in the accounts of individual *vargdárs*" and (3) that "these accounts" ("or," adds West, J., parenthetically, "it may be 'these estates,' as 'varg' means† either") extend to all the hills and jungles, because the *vargdárs* have been wont to cultivate *kumri* at will in all the hills and jungles, but (4) that although "the assessment is entered for the *vargs* of the cultivators, no hill or jungle is assigned to any individual ryot with specified boundaries." "The position" thus "apparently taken by the *vargdárs* as early as 1823 is," says West, J., "plainly not maintainable."

General principles. Levy of a tax on land implies knowledge of the payer's being beneficially connected with the land, but nothing more.

(19). "The levy of a tax does not," he says, "necessarily make a proprietor." But "to levy money from a ryot on account of any land implied a knowledge that he was there and in some way beneficially connected with it. * * * But what the precise nature of the connection was, would in each case depend on the acts done by the tax-payer, the intimation these afforded of the position he held or assumed, and the consequent acts or forbearances of the executive." "The mere fact that a *vargdár* is charged in the village accounts with an assessment—and he alone perhaps in that village—for *kumri*, cannot of itself make him owner of all the forests within its boundaries. Being found to employ three labourers on *kumri* cultivation he would in a re-valuation for assessment ('*azmaish*' as it was called) be rated as for *geni hutwali*, or

* "*Geni hutwali*" = "rent-produce to the owner as landlord."

† Mr. Blane, the Collector of Kánara, in a report of 1849 pointed out that the term "*varg*" originally meant "the account of a ryot with Government," not "estate." Green, J., found that this view of the original significance of this word was confirmed by the *jamábandi chittas* recorded in this case.

rent produce, on the three rupees or other sum which those three men as independent cultivators would have paid; and this charge whether he cut more or less would remain unchanged until a new appraisement took place." "In the sub-distribution of the aggregate *beriz*" (of a village) "which under the earlier system was made amongst the several land-holders, a portion would naturally be laid upon the *vargdár*, who had acquired exclusive enjoyment of a tract of forest, and thence obviously derived a profit, enabling him to bear at least an assessment proportionate to the customary rates paid by the less favoured migratory *kumri* cutters. If this ordinary holding was regarded as perpetual or *muli*, the charge, reckoned according to the number of bill-hooks actually or ordinarily set to work by him, would be attached to his *muli varg*. If he was a mere *chál genidár*, the item would be added to his *geni varg*. And when, on the system of village settlements being superseded by a *kulwár* or individual settlement with each land-holder, it became necessary to estimate the proper relative liability of each as a contributor to the aggregate *beriz*, it was natural that the same method of appraisement should be followed by the village officers." "Men of the wilder tribes moved about from place to place, tilling each in his rude fashion as much as with his bill-hook he could clear, and quite regardless within what imaginary boundary of village or *magni* he exercised his untutored industry. The more regular cultivator, anchored to one spot by the possession of a house, a rice-field and a betel garden, would still in his *kumri* cultivation choose the precise places that suited him best, with equal disregard to boundaries that no one insisted on. As he cultivated *kumri* and profited by the cultivation, the revenue officer set him down for a contribution on that account; but as this process would not deprive him of an estate, neither would it confer one. The case of Narna Cumpti is one that seems quite in point. This *vargdár*, paying a considerable sum as a resident cultivator of rice lands within a *magni*, extended his *kumri* operations far away along the untenanted slopes of the ghâts. The tract belonged geographically to other *magnis*, but he was charged for the Government's share where he permanently resided or had his permanently cultivated property. This was most natural, seeing that his *kumri* cultivation would one year be in one village, and in the next in a different one." "The mere payment of the *kumri* assessment would not create 'proprietary rights' in the case of a *vargdár*, any more than it would make the wandering *kumri* cutter, who paid his rupee to Government one year in one táluka and another year in another, proprietor or co-proprietor of all the forests in the province. The mere form in which the contributions from the one or the other were brought to account in the Government books, as the payers could not control it, served merely as an indication of the particular way in which that portion of the revenue was

regarded by the Government in its Financial Department."

Payment of tax gradually becomes admitted as a test of ownership as boundaries of holding become more and more defined.

(20). "In the case of rice-lands the revenue officers admitted the payment of landtax as a decisive test of ownership. Yet it was not the payment which created the estate * * * * But from the well-defined boundaries of a rice-field, the elaborate process of cultivation and the annually repeated operations, the connexion between the payment and the ownership of any spot was usually so certain that the one could be safely inferred from the other. Continuous payment involved continuous acquiescence by the recipient in the occupation for which the payment was made. This it was which made the raiyats safe in their ownership of rice-field which, as Mr. Fisher said, had generally once been *kumri* lands; and the same tacit acquiescence, wherever definitely invited and in any way plainly manifested, would have the same effect, though the place might be used for building, for *kumri*, or as the precinct of a temple." Thus it was that in Bekal *kumri* holdings had at the time of the Collector Mr. Fisher's report in 1858 already begun to be treated "in every way as the *bonâ fide* property of the ryots." In the districts above the ghats, on the contrary, "disturbed and desolated as they had been, never in all probability more than very sparsely populated, no such evolution of distinct forest estate had taken place." The kind of temporary occupation of spots in the forest which there prevailed, "without appropriation of any spot for more than some months or a year, was no more necessarily a property or possession than the occupation by a fishing-boat of a particular place on the sea. Property arising from occupation is itself a derivative notion drawn from associations that do not at all attach to the case of a mere vagrant or casual cultivator; and the case is not altered by the circumstance that convenience or physical necessity has confined his activity within some assignable range. Possession is guarded in the interests of society; but the mere having made temporary use, or intending to make use, actually or potentially, of a particular area or parts of it, is not possession."

Application of above principles to the district of the dispute.

(21). "The case of the *kumri* holdings in the Panch Mahâls, which is the one we have to deal with, seems to be intermediate between" the two above extremes. There "the jungles being found turned to use by the occupiers of rice-land *vargs* or by other stationary resident of the villages, their several supposed profits had been appraised for contributions to Government, and those contributions entered against the occupiers' names. Appropriation had progressed so far that the people of each vil-

lage asserted a right to exclude those of another, and this idea had been fostered by the system of village assessments. Within the village those ryots who had, as the community grew up, habitually used particular portions of the forest, either directly or through kunbis, whom they called in to assist them as labourers, came to be associated with those lands in the popular sentiment, not at first probably in a way that constituted a recognition of full ownership, but which gradually approached that conception." But whether the *kumri vargdárs* in the Panch Maháls had acquired an ownership in the forests, absolute or usufructuary, is a separate question. "His employing a few men * * * in the village jungles, one year in one spot and the next in another, as Mártoba says he employed his tenants at Kaignád, could not of itself make him owner of the jungles any more than a *vargdár* above the ghâts, extending his casual operations over a wider range, became owner of a whole táluka. Even in the case of a grant of a definite quantity of land, but of undefined locality, the two eminent lawyers Yorke and Talbot, both afterwards Lord Chancellors, said: 'We are of opinion that in regard to the place where the said lands lie is not described, nor any method provided by which the same may be ascertained, such grant is by reason of the uncertainty thereof absolutely void in law.' He could not become owner in fact, without the active or passive assent of the Government passing its proprietary right to him. Such assent is not for a moment to be inferred as to an extensive tract of forest from the payment and receipt of some insignificant sum, a moiety of the rent realized on two or on ten acres which may most naturally be referred to rateability, or the mere participation by the State, according to an immemorial rule, in all profits arising from the land. As there must be certainty in a grant as to the area conferred, so there must be certainty as to the area, or at least as to the identity of the object occupied, if the occupation is to raise the presumption of a grant or of acquiescence in a definite occupation." "There can be no grant, no acquiescence in a possession, unless the essential elements of possession, a fixed, a definable, an exclusive occupation exist, and are present to the perception of the parties." "An undisguised occupation by open and exclusive user as continuous as the object reasonably" admits is requisite "since no assent could be implied to what was not apparent. But where such an occupation subsisted, the mere employment of the land for rice, dry-crops, pasture, or even for the mere growth of firewood, would not properly form a ground for saying that in one case ownership had been acquired by the lapse of time, and the acquiescence of the State, while in another it had not." But "in the case of a private owner even, the allowance of acts which do not necessarily involve any denial of his ownership, or a grant from him, do not suffice to create an ownership against him; and 'the mere non-interference of the State, to which neglect is not to be

imputed, is not to be accounted for, if it can be otherwise accounted for, on a presumption of a surrender of its ownership. Such a transaction must be evidenced by an undisguised and effective appropriation assented to or submitted to by some one having due authority, or else fortified by an equivalent law of prescription."

The acquiescence of Government in the levy of *kumri* assessment by *vargdárs* marks its recognition of private ownership.

(22). But the fact of Government not itself levying fees for a series of years from the kunbis and others who cut *kumri* within the limits of a piece of jungle claimed as belonging to a *vargdár* would, in West, J.'s opinion, "mark its recognition of private ownership." "Add to this", he continues, "the constant exaction of such fees by the *vargdár*, and the assessment of his income thus derived expressly from a *kumri* tax, and the indication becomes conclusive. That the Government, instead of itself levying a rupee a head, or a rupee an acre, from all kunbis resorting for *kumri* to a particular area, should leave their admission to the *vargdár*, who called it his property, and should take from him a moiety or about a moiety of what he received, just as in the case of rice land, implies, as it seems to me, an allowance of equal rights in the one kind of holding as in the other." "The mere entry of an item of assessment for *kumri-korláya* would not be conclusive of a definite occupation; but a charge for particular places within the village as included in his *varg* would tend to show, especially when coupled with the absence of any levy by the Government directly from the actual *kumri* cutters, that these were regarded as occupied by the *vargdár*. This indication would be stronger, if the charge was made, though the lands lay waste. If combined, they make up the area of a village which, as a whole, gives its name to a single *varg*, it is hard to resist the conviction that the *vargdár* was regarded as occupying the whole area."

Results of West, J.'s examination of the evidence as to plaintiff's enjoyment and possession.

(23). Guided by these general principles, West, J., considered the evidence bearing upon each of the four properties in dispute separately. In the case of the Báli forest he found that Mártoba, plaintiff's father, got himself recognized in A.D. 1842 by "a very impudent fraud" as *kumri-vargdár*. With regard to the Goera forest he came to the conclusion that "the accounts of the Government, so far as they can be relied on, go to sustain the plaintiff's assertion of an actual inclusion in his holding, not merely of the rice lands, but also of the forests of the village of Goera" and that "the revenue officers had notice of the holding and apparently recognized it, down at least to 1841." The evidence as to the portions of the Kaignád forests in the plaintiff's possession he found to be vague, confusing and insufficient, although certain portions of them were, he thought, no doubt, included in his *varg*, so as to give him a right of

property in them. As regards the Bhairé forest, it has already been stated (*supra* para. 6) that plaintiff failed to produce good evidence of possession or enjoyment of any portion of them previous to A.D. 1842.

Both Judges agreed as to suit being barred by limitation.

(24). But although the views of the two learned Judges upon the general questions involved in the case are thus to some extent different, they are both agreed that the suit was barred by limitation, and it is upon that ground really that the claim has been rejected. The reasons for this decision are of great general importance with respect to other similar suits now pending or which may hereafter be filed, and it will be useful to state them.

Right to cut timber in the forests generally distinctly barred.

(25). First with regard to the right to cut timber in the forests. Teak, poon and blackwood the plaintiff admits he has never been allowed to meddle with. These were always reserved trees. On the 18th April 1823, the Principal Collector of Kánara issued a proclamation informing the rayats that in conformity with the orders of Government all proprietors of land would in future be "at liberty to cut teak, poon and all other trees growing in their proprietary estates or private gardens and to make use of them according to their pleasure." But this proclamation would, of course, only apply to actual proprietors of the soil. The Collector, Mr. Blair, on the 15th April 1841, replying to a reference from a Tahsildár as to the right apparently then asserted by Mártoba (plaintiff's father), observed that "the payment of *kumri* assessment can only be shown as a ground for the raising of *kumri* produce," the *vargdár* "cannot cut trees at all. The *vargdárs*, it appears, allow people to cut a large number of trees, alleging that the Sarkár forests belong to their *vargs*;" and he directed that this should be prevented unless the *vargdár* has in each case "obtained permission on the production of evidence to satisfy the Sarkár that the forest belongs to his *varg*." And on the 3rd May 1841, Mr. Blair prohibited Mártoba from cutting trees in any jungles "except places cultivated by his tenants." From 1841 downwards Government distinctly assumed and exercised the ownership over the trees in the disputed jungles. In the earlier years of British rule timber of the ordinary kinds had hardly any selling value in Kánara. * * * * Teak, poon, blackwood and jackwood had been preserved in the Government forests from early in this century as before the introduction of the British rule; but as to other kinds of timber there seems to have been no check upon any one who chose to resort to the forests and help himself to what he wanted." But after reviewing the whole of the evidence, West, J., said "there cannot be any reasonable doubt that from the time when it became

worth while to do so, the Government officers asserted and exercised constantly and openly the proprietary right over the timber of the forests which they alleged was vested in Government. The plaintiff's family knew this, submitted to it, themselves applied repeatedly for timber to the revenue officers. A few trifling and probably furtive transactions * * * cannot be set for a moment against such a body of testimony."

But *vargdárs* might conceivably have permanent rights in the soil, though not entitled to the timber.

(26). But "a property in the soil must not be understood to convey the same rights in India as in England. * * * Those acts which under one system would be necessarily regarded as contradictions of any ownership over the object on which they were exercised, except that from which they spring, might, under another system, be quite compatible with an ownership subsisting unimpaired side by side with the limited right to which they would be attributed." "It is quite conceivable that a *vargdár* may, as such, have rights * * * capable * * of continued existence and recognition, notwithstanding large deductions from their completeness according to the widest description." Hence West, J., considered it "necessary to consider the facts connected with several appropriations of land by the revenue officials within the limits of the plaintiff's claim."

Effect on plaintiff's general title of several appropriations by revenue officials of land within the limits of his claim was to prevent his acquiring title by prescription.

(27). The evidence showed that several such appropriations had been made from time to time. These the plaintiff averred were simple trespasses, whilst on behalf of Government it was urged that they were particular exercises of a complete ownership. Viewing the appropriations in the latter light, West, J., thought "the plaintiff's family could never have acquired a title by prescription under a possession which was interfered with at the discretion of the revenue authorities in such a way as to show, both by act and intention, that they did not allow it to be that of an owner. There are strong grounds for supposing, however," he said "that while the revenue officers supposed plaintiff's family to be entitled to, and allowed them to hold as owners, some lands of much smaller extent than they claimed, they dealt with the rest as Government property free from private rights. Grants made out of this property so conceived, would not at all contradict the plaintiff's right to the lands recognized as his property."

But some particular lands have been all along recognized by Revenue officers as plaintiff's property.

(28). The rest of West, J.'s judgment is then taken up with the considerations of the plaintiff's right to the particular lands, which he deemed had been recognized as his property.

"The plaintiff's family," he says, "though the proof of their *sanad* titles entirely fails, yet, as *vargdárs*, exercised rights over forest tracts in all the estates to which the present claim extends. In Báli these rights could not be referred to any particular space. In Goera they extended throughout the village lands. At Kaignád and Bhairé they were exercised over areas which might have admitted of recognition, had the requisite evidence been adduced, but which cannot be recognized from the evidence placed before us. * * * While the plaintiff's family set up claims to the whole forests, it is clear that from 1842 downwards these claims were never admitted. It is clear, also, that for many years after 1842 some forest lands were recognized in the Government accounts, in the transactions recorded in those accounts and in the orders of the Collectors, as belonging in some way to the plaintiff's family. They were assessed for those lands, held such enjoyment of them as was allowed to any one, and were repeatedly admitted to have, at least, a usufructuary interest for the purposes of *kumri* cultivation."

Effect of acts of Government and local officials as to timber rights in these lands depends upon whether they were "private estates."

(29). The principal acts affecting rights to timber in private proprietary estates are a proclamation of the Government of Madras issued on the 25th April 1807, and the Collector's proclamation of 18th April 1823 already referred to (*supra* paragraph 25). The former announced that the Honourable Court of Directors had resolved to assume the sovereignty of the forests in Kánara, and that all persons were prohibited from cutting or destroying trees in the teak forests or from taking away the young plants. This proclamation, West, J., considered to mean no more than that Government "intended in future to exercise the eminent domain vesting in it as sovereign for the preservation of forests over which public rights subsisted." The Collector's proclamation of 1823, it has already been said, referred only to proprietary estates. In 1822 the Collector Mr. Harris ordered an inquiry with the view of ascertaining what forests were Government forest and private ones, but after the issue of the proclamation of 1823, the demarcation of the private and Government forests was allowed to drop, and for several years the administration of forests was lax and defective. But as the proclamation of 1823 was still legally operative, it is necessary to consider how far the forest lands in dispute were private estates.

The forest lands in dispute were prevented from becoming private estates by the orders and transactions subsequent to 1842.

(30). On the 14th January 1842, the Collector, Mr. Blair, when dealing with "a proposal by the shánbhog (village accountant) to collect the *kumri* assessment at Kaignád and Báli direct from the actual cultivators," directed that Mártoba (plaintiff's father) should

not be allowed to have any of the *kul-nasht* (tenantless) lands, but that he should "continue to enjoy for the future all those jungles which have from the beginning been cultivated with *kumri*." This order "recognized Mártoba's claim to the jungle so far as he, by his tenants, had actually brought it under *kumri* cultivation," and in 1844 it was held that there was no objection to his "cutting firewood in the jungle to the enjoyment of which he has by the Collector been held entitled, and any undisputed jungles for which he has *mulpattas* or leases, but that no other person was to be allowed to cut firewood in the jungles referred to." On this West, J., remarks that "albeit that the plaintiff's use of the forest never went beyond turning it to profit by *kumri* cultivation, that user, if a sole and exclusive one, would be a possession ripening by the acquiescence of the Government into a right to possess." Such acquiescence was, however, by subsequent orders distinctly not given.

Orders issued since 1842 regarding *kumri* lands. Their effect on plaintiff's title to particula lands.

(31). From the proceedings of the Board of Revenue of 16th April 1859, it appears that "the question of whether it is expedient to allow *kumri* cultivation first came under discussion in reference to the report of Dr. Gibson to the Government of Bombay, which was referred to Mr. Blane, the Collector of Kánara, for his observations." On receipt of the Collector's report Government "agreeably to the recommendation of the Board, authorized the Collector of Kánara to restrict the cultivation of *kumri* to such places and to such an extent as might, in his opinion, be expedient for the 'preservation of the forest and the general welfare of the province'." He was also instructed to assert the right of Government to all forest lands to which a title cannot be clearly established by private individuals. The details of the circular order which Mr. Blane issued at the end of 1848, or the commencement of 1849, in pursuance of these instructions are quoted by West, J. One of its provisions was that, "where cultivation of *kumri* is allowed it is to be restricted to an amount reasonably proportional to the assessment actually paid."

(32). In the meantime, however, "the Head Assistant Collector, Mr. Forbes, had, on the 26th May 1848, issued an order which deprived the *vargdárs* of their *kumri* cultivation altogether, under some misapprehension of the Collector's wishes. Notice was given to the *kumri* cutters, that they would have to pay direct to Government. Of this Mártoba complained, and on the 10th April 1849, Mr. Blane, without setting aside the order referred to, issued an order in which he stated that he found that "Mártoba of Kaigmád and others cut *kumri* 1,000 per cent. in excess of the *kumri* assessment they pay" and directed that "in the cases of the several *vargs* in which the profits derived from the kunbis at the customary rate calculated according

to the number of knives employed comes to more than double the assessment paid by the *vargdár*," the excess be placed in deposit. The double assessment was to be handed to the *vargdárs*, already answerable for a single assessment in their *vargs*. Where the amount collected came to less than twice the assessment, the whole was to be handed to the *vargdárs*. Where the *vargdárs* were not debited with any *kumri* assessment, the amount collected from their tenants was to be appropriated by the revenue officers. This was called afterwards the *dugni* (double) arrangement.

(33). But as regards the plaintiff's lands these orders were not, it seems, carried out in their integrity. "After the action taken on the hasty order of Mr. Forbes in 1848, no attempt was made for several years either to collect the *kumri* fees direct from cultivators within alleged forest limits of Mártoba's *vargs* or to introduce cultivators independently of him. Mártoba and Bháskarápa were repeatedly told not to cut *kumri* beyond an extent corresponding in the rent it would produce to double the *kumri* assessment. They appear to have submitted, at least nominally, to these directions, and when they transgressed them to have paid the excess realized beyond double the assessment into the Government treasury, or even double assessment on the lands in excess; but these very proceedings show them to have been in possession of the lands, however hampered in their use of them. They still for some time chose their own places for *kumri* cultivation within their *vargs*." In 1851, the then Collector Mr. Maltby directed that the *jamábandi* "should be settled upon ascertaining the extent of cultivation by measurement (instead of by the number of knives employed)," and in his order "advisedly refrained from obtaining the means of effecting a settlement with the individual cultivators" in the case of the *vargdári* jungles; the settlement was to be still with the *vargdárs* themselves, not with the *kumri* cutters.

The Sub-Collector Mr. Robinson's order of 23rd February 1857 finally dispossessed plaintiff entirely from all his *kumri* lands.

(34). But owing, it appears, to a misconception by subordinate officers of the intention of Mr. Maltby, *vargdárs* were from this time forward required to present a petition each year to the local officer for permission to *kumri* land. In 1856 the Tahsildár refused the plaintiff Bháskarápa permission to cut *kumri* according to his application, because he had not specified the names of the cultivators. Bháskarápa appealed to the Sub-Collector, Mr. Robinson, who, on the 23rd February 1857, passed the following important order:—

"It has been decided that during this year, the Fasli year 1267, Bháskarápa may be allowed to cultivate so many acres as will yield to him an income equal to double the *kumri* assessment paid by him. You should make inquiries according to law what places are fit for the *kumri* cultivation, and

point out to the persons in Bháskarappa's service the places to the extent in acres which, as shown above, ought to be allowed [to him] for the purpose of cutting the kumri. Take measures to carry out the above [instructions]. Bháskarappa represents that there being a great number of *kumri* cutters, the *kumri* now permitted will not provide sufficient labour for their livelihood. The above order is issued in respect of the *kumri* which appertains to the assessment included in Bháskarappa's *varg*. If there are, besides these, more *kumri* cutters, then you should, under the orders already passed, containing rules regarding the *kumri* cultivation by other *kumri* (cutting) raiyats, allow to such persons so many acres as you may find on inquiry to be sufficient for their subsistence, and also impose assessment on this according to law."

Two months later Mr. Robinson directed that the rents taken from the *kumri* cutters should be credited to "*Sarkár kumri*." On the 22nd April 1857, Mr. Robinson passed an order, denying Bháskarappa's right to wild honey collected in the forests. No contention on his part was to be listened to, the honey was to be sold by auction, and moreover, except by order, no one employed by Bháskarappa was to be allowed to take any step towards cutting *kumri* in the forest.

(35). These orders which were subsequently confirmed by the Board of Revenue and the Government of Madras (who further directed that the *kumri shist* or assessment should be remitted) are held by West, J., to have deprived "Bháskarappa of possession as completely as he had ever had possession." "Having allowed that Mártoba and Bháskarappa had, through the knowledge and acquiescence of the local authorities, acquired an actual possession of lands subjected to *kumri* cultivation down to the year 1842, we must not refuse efficacy to the acts of the same authorities if they afterwards, depriving Bháskarappa, assumed or resumed possession on behalf of the Government. On the 23rd February 1857, Mr. Robinson, as we have seen, issued an order which not only prevented Bháskarappa from cutting *kumri* where he wished within the limits of his *varg*, but also allowed the Tahsildár at his discretion to introduce strangers to cut *kumri* there. A couple of months later he directs that the rents, taken from these *kumri* cutters, shall be credited to '*Sarkár kumri*'. This was depriving him of possession as completely as he had ever had possession. The whole management of the *kumri* lands was taken into the hands of the revenue officers; and Bháskarappa was recognized as entitled only, under such circumstances, to a certain portion of the proceeds."

(36). These then are the grounds on which it was finally held that plaintiff's claim was completely barred by limitation. "Supposing," said Green, J., "the plaintiff and his predecessors to have had the rights now asserted, the difficulty seems rather to be to find an act of the revenue officers, at least after A.D. 1847

Plaintiff's suit effectually barred, because it was not filed within 12 years from date of Mr. Robinson's order.

and down to A.D. 1858, which was not a denial of, if not an actual interference with, them." "His possession," said West, J., "had ceased in 1857; his suit was not brought till July 1870."

(G. R. No. 2493, dated 4th May 1881.)

8. Government do not think it is advisable to dispute full proprietary title on the part of any one to whom a summary settlement sanad has been granted. (G. R. No. 1442, dated 6th March 1877, and G. R. No. 3984, dated 7th August 1878.)

9. On the Commissioner, C. D., soliciting instructions as to whether the provisions of Government Resolutions No. 1442, dated 6th March 1877, and No. 3984, dated 7th August 1878, were applicable to (1) terminable inám settlements as sanctioned in Government Resolution No. 2900, dated 1st August 1864, (2) settlements by which a judi of ¼ is imposed on the watan holdings of village servants useful to Government as sanctioned in paragraph 13 of Government letter No. 1915, dated 28th May 1860, and (3) Gordon's Watan Settlements, the following report of the Remembrancer of Legal Affairs, No. 500, dated 22nd April 1880, was circulated by Government for information and guidance:—

"*I.—Terminable Inám Settlements.*

"Paragraph 4 of Government Resolution No. 2900 of 1st August 1864, sanctioned the Revenue Commissioner N. D.'s proposal that sanads should be issued to those who accepted this settlement 'in the same form as those issued to holders of ináms to which the summary settlement had been applied.' Accordingly the two terminable inám sanads of which forms are in the undersigned's possession provide that the village or land 'shall be continued for ever by the British Government' as the private property of the persons who shall from time to time be its lawful holders.' The right of property in land includes the right to the trees growing on the land, and as regards the terminable inám settlements the Commissioner's enquiry should therefore, it seems, be answered in the affirmative.

"*II.—Settlements of lands held by village servants for services which, though not useful to Government, are of use to the community.*

"Paragraph 13 of Government letter No. 1915 of 28th May 1860 did not lay down the precise conditions of these settlements, and it is not known whether sanads have been granted in confirmation of them. If sanads have been granted, the answer to the Commissioner's enquiry will depend upon the terms contained in them.

"*III.—Mr. Gordon's Watan Settlements.*

"From the correspondence and statement issued with Government Resolution No. 6018 of 25th October 1875, it seems that the terms of this settlement varied in each district. So far as appears from that correspondence and statement the 'watans' were merely continued by most of the sanads granted, without any novel condition as to their becoming the private property of the holders. Some of the sanads contain a condition that, if at any time all the sharers in the watan agree to pay an additional nazarána of one anna in the rupee, 'the general privilege of transferring the watan or any recognized share thereof by sale, mortgage, &c., as private property, will be granted by Government.' In those cases, if any, in which this concession has already been made, the question will arise whether the terms of the sanad suffice to convert the watan

into absolute private property, but otherwise the question cannot arise, and until it does it is probably not worth while discussing it, especially as the language employed differs more or less in each district. This much may, however, be affirmed that the language of these sanads is not in any case identical with that of the summary settlement sanads discussed in the correspondence ending with Government Resolutions Nos. 1412 and 3984, dated, respectively, 8th March 1877 and 7th August 1878, and, therefore, that these Resolutions are not applicable to them.

"2. It may be added, to prevent misconception, that as regards service watan property the question whether or not the watandárs are entitled to the trees growing on their lands does not depend altogether upon Mr. Gordon's or any other recent settlement made with them by the British Government. If such settlements merely continue to them their watans as of yore it is still open to watandárs to contend that their ancient tenure was proprietary and entitled them to the trees. Whether such a contention could be established it is not easy to say, as the point has never yet been raised."

(G. R. No. 2502, dated 5th May 1881.)

10. There can be no doubt that in sanads issued by the Peishwa's Government as by other former Governments customary phrases such as *jalturu, trun, páshán, nidhi nikshep* were often used without intending to confer all which they may be interpreted to imply. But Government have accepted the principle that the proprietary right to trees follows the property in the soil and also the view that the occurrence of the phrase above specified in a sanad indicates that the property in the soil was granted. (G. R. No. 4634, dated 15th July 1882.)

11. All cases in which inámdárs claim a right over the forests in their villages should be referred to the Forest Settlement Officers for a careful enquiry and separate report in each case for the final orders of Government. The Forest Settlement Officer's duty simply will be to inquire fully into the case, to report the result of his investigation and to record his opinion which Government will be at liberty either to accept or to refuse to accept. The reports should be submitted to Government through the Legal Remembrancer. It is advisable that the sanad should be examined in every case before the forest is allowed to be cut down in inám villages.

Government do not consider it desirable that titles which have been settled under the Summary Settlement Acts should be excepted from the operation of the above ruling. Where quit-rent has been calculated on forest revenue, there is no room for doubt, but it seems expedient that Government should be satisfied either from such fact or otherwise that the settlement did extend to forest land before the claims of inámdárs to such lands, which are often very valuable, are finally admitted. (G. Rs. Nos. 6457, dated 29th October 1881, 3303, dated 28th April 1883, 2037, dated 6th March 1884, 4111, dated 21st May 1884, and 7092, dated 5th October 1886.)

12. Cases regarding inámdárs' forest rights may be sent by Forest Settlement Officers and Collectors

direct to the Legal Remembrancer without passing through the Commissioner's offices. It is understood as a matter of course that either the Legal Remembrancer or the Collectors may refer to the Commissioners when occasion may arise. (G. R. No. 7851, dated 5th November 1886.)

13. Questions as to forest rights in devasthán lands and such other small holdings should be reported to Government for orders as they arise, through the Remembrancer of Legal Affairs. (G. R. No. 6157, dated 12th September 1890.)

14. Inquiry into forest rights should be made and a separate report submitted in the case of each inám village, whether it now contains forests or not. With the report can be submitted the suggestions of the Forest Settlement Officer as to the course it is expedient to follow in each case.

The object of such inquiry is to determine finally, in the case of every holder of an entire inám village, whether he has forest rights or not, so that the Revenue as well as the Forest Department may know how to deal with such villages in the future in respect of forest claims.

(G. Rs. Nos 8846, dated 10th November 1884, and 5016 dated 16th June 1892.)

15. The object of the enquiries into the forest rights of inámdárs, as connected with forest settlements, is to enable Government to decide in each case whether Government has the right, should it be deemed desirable, to constitute part of the land of the village State forest. (G. R. No. 8888, dated 31st October 1885.)

16. It is not necessary that the inámdár should be called upon in every case to state whether he claims forest rights, and if so upon what grounds. The object of the inquiries into the forest rights of inámdárs, which are not in any sense judicial or conclusive inquiries, is to enable Government to determine in what inám villages they will and in what they will not assert forest rights. When once it is ascertained that a village has come under the summary settlement, Government have at once the means of determining their course without further investigation, and it seems quite unnecessary to trouble the inámdár. In most other cases also the nature of an inámdár's title is ascertainable without reference to him, and the inámdár should only be asked to furnish information or to state his own views when the Forest Settlement Officer has reason for doubting the real state of the case concerning his village. (L. R. No. 1608, dated 16th December 1885; *vide* G. R. No. 469, dated 20th January 1886.)

17. When a summary settlement has been made it is unnecessary to go beyond it, but in every case it should be clearly ascertained whether the settlement extended to forests, and a report should be made to Government before any claim to forests is admitted,

For the purpose of determining the question the area of the land entered in the notice and written acceptance, if any, should be compared with the area of the land in the village and of the cultivated land, and it should be ascertained whether the forest land was assessed for the purpose of fixing the quit-rent, and whether the forest land was actually in the possession of the inámdár at the time of the settlement. It has not been decided that the fact of summary settlement having been applied to a village is sufficient proof, *primâ facie*, of full forest rights having been granted, but only that when a summary settlement has been made it is unnecessary to go beyond it, that is, to investigate the antecedent validity of title. In cases in which a summary settlement has not been made, the existence of a valid sanad in which full forest rights throughout a village are granted is conclusive, and when that fact is established, further inquiry is unnecessary, but all claims to forests should be reported to Government through the Legal Remembrancer for final orders. (G. Rs. Nos. 7407, dated 23rd October 1882, and 1305, dated 17th February 1883.)

18. It has not been ordered and it is not intended that inámdárs should be called upon to prove their rights to forests. If it cannot be proved from the Collector's records or otherwise that the forests were at the time of the settlement in the possession of Government, the title of the inamdár will not be questioned. But it is obviously desirable that before the settlement of the forests of a táluka or district is complete it should be clearly determined to what lands the summary settlement has been applied. (G. R. No. 3079, dated 15th April 1884.)

19. Cases in which the summary settlement has been applied to specified fields in a village may be exempted from the orders in Government Resolution No. 7402, dated 23rd October 1882. There can be no doubt in such cases regarding the extent of the settlement.

Government has not accepted the view that a summary settlement cannot be applied to the cultivated land in a village without being extended to the forest land also in that village. (G. R. No. 2231, dated 14th March 1884.)

20. Section 189 of the Land Revenue Code empowers a "Revenue Officer" to summon witnesses, &c., "for the purposes of any inquiry which such officer is legally empowered to make." The term "Revenue Officer" is defined in Section 3, clause (2), of the Code to mean an officer appointed under that Code, and "employed in or about the business of the land revenue or of the surveys, assessment, accounts or records connected therewith." An officer employed in ascertaining whether the forest rights in a certain village belong to the Government or to the inámdár is not a Revenue Officer as thus defined, and he cannot legally exercise the powers conferred by Section 189 of the Code for the purpose of any such inquiry. Even were he gazetted an Assistant Collector, the

inquiry would not relate to "the business of the land revenue," nor could it be held to be an inquiry which an Assistant Collector is "legally empowered to make." (L. R. No. 730, dated 28th May 1884; *vide* G. R. No. 4964, dated 20th June 1884.)

21. Though it is very desirable that the management of the forests in the tálukdári villages of the Panch Maháls should be in the hands of the Forest Department, yet it would not be equitable to maintain that management without the consent of the tálukdárs. It is probable that the consent of the tálukdárs may be obtained if they are treated liberally in regard to their forest revenues and if the objects of Government are fully explained to them. They should be made to understand that Government desire to undertake the management of their forests not for the sake of profit but in the general interests of the country, and that it is intended that the whole of the net profits of the forests realized under Government management shall be made over to them or credited towards their jama, Government retaining no part of the forest produce as their own, but only adding to the annual jama payment such sum as appears equitable on account of the portion of the revenues of the estate derived from forests.

The tálukdárs should be recognized as full proprietors of the soil of their estates including the forest lands, the right of Government being confined to a charge on the rental.

Government do not propose to make any addition on account of the profits of forest to the tálukdárs' jama as fixed by settlements now current.

These principles are applicable to all the estates in the Panch Maháls which are held on the tálukdári tenure. (G. Rs. Nos. 4723, dated 23rd June 1883, No. 8999, dated 15th November 1884, and 1664, dated 26th February 1885.)

22. In cases in which a summary settlement has been made and a kabuláyat has been executed regarding forests, the right of the inámdár to the forests on the conditions specified in the kabuláyat should be admitted. (G. R. No. 6674, dated 8th September 1883.)

23. Letter from the Remembrancer of Legal Affairs, No. 531 of 1883, on the subject of forest rights in inám villages subjected to a summary settlement under Bombay Act VII of 1863 in the Thána District.

"2. In a large number of the cases reported upon by Mr. Ebden, the inámdárs' original sanad contained the words which have been held by the High Court to convey proprietary rights in the soil and therefore in the forests. I apprehend that there can and will be no question as to the necessity for recognizing the title of these inámdárs to their forests, whatever peculiarities may have been detected in the manner in which the Collector and

his subordinates gave effect to the provisions of the Summary Settement Act in respect to them.

"3. The only point which may appear doubtful with regard to inámdárs of this class is whether Government are bound by the terms of the kabuláyat which the Collector had taken from them, to the effect that in lieu of paying a summary settlement cess on their forest-area they would pay one-eighth of two-thirds of the proceeds of every sale of their timber whenever they might fell. These kabuláyats, it seems, are divisible into two classes, *viz.*, (1) those taken after Government Resolution No. 254 of 23rd January 1865 was passed and (2) those taken before that date. There is no ground for any contention against the validity of kabuláyats of the first class, because the above Resolution expressly authorized the Collector to take them.

"4. But as regards kabuláyats of the second class, there is this to be said, that the Collector had them taken on his own responsibility and that Government have never since formally ratified his act. The history of these kabuláyats is very clearly given in paragraphs 18—34 of Mr. Ebden's able report. It appears that the Collector, Mr. Gordon, finding himself unable to carry out the orders of the Revenue Commissioner, given in his No. 2250A. of 17th October 1863, as to the manner in which forests should be assessed for the purpose of summary settlements, thought of this plan of avoiding the difficulty. Before asking for the sanction of Government to the plan he took steps for ascertaining whether the inámdárs would accept it. He found that they would, and about seventeen kabuláyats had already been executed before he wrote in for the sanction. In his letter he did not ask Government to ratify the kabuláyats which had already been taken, he did not even mention that any had been taken. With the recommendation, however, of the Revenue Commissioner, Government, in the Resolution named in the last paragraph, sanctioned the Collector's proposal, and I do not suppose that Mr. Gordon in the least doubted that this sanction was sufficient to cover all the kabuláyats already taken. Had Government sanctioned his proposal with some essential modification, it would have been necessary, no doubt, to take fresh kabuláyats and to cancel those previously taken; but in the absence of any such cause, the *ex post facto* sanction was very naturally considered by the Collector to be sufficient authority for what he had done in anticipation of it.

"5. If, at the time, it had been brought to the notice of Government that these kabuláyats had already been taken, it is certain that Government would have approved them. I think, therefore, the fact that Government shortly afterwards sanctioned generally the Collector's proposal was sufficient to justify him in deeming that Government had ratified the kabuláyats already taken. That this was his opinion is evident, because he did not issue order

for having the kabuláyats taken over again as he might easily have done, if he entertained any doubt.

"6. These same kabuláyats have now been in force, without any question being raised as to their validity, for twenty years, and, in that interval, have no doubt been more than once acted upon by both parties. It is not likely, I think, that any Civil Court would, under the circumstances, set aside these kabuláyats as having been made without authority.

"7. I am of opinion, therefore, that none of these kabuláyats could now be cancelled except by consent of the parties thereto. Further, the only result of any such kabuláyat being cancelled would be that the forest would have to be assessed under Rule 2 of Section 6 of Bombay Act VII of 1863, and it is, I think, very doubtful whether such assessment would be as profitable to Government as the arrangement in force under the kabuláyats.

"8. The foregoing remarks (paragraphs 4 to 7) have been limited to the case of inámdárs whose proprietary title was evidenced by their original sanads. But it will be evident that the same reasoning is equally applicable to all other inámdárs whose holdings contained forests, if they were otherwise entitled to have the summary settlement extended to those forests.

"9. As regards inámdárs whose forest rights were not clearly evidenced by their original title-deeds, the only questions raised which I need discuss are, therefore:—

(1) What is the effect of the manner in which the notices issued under the Summary Settlement Act to these inámdárs were worded—

(*a*) with respect to the area or revenue of the holding, and

(*b*) with respect to the foot-notes, which are translated in paragraph 43 of Mr. Ebden's letter?

(2) What is the effect of no decision having been come to before their kabuláyat was taken, as to whether the forests were their property or not?

"10. It is important that it should be borne in mind that the summary settlements in question were not merely contracts between the inámdárs and Government, the terms of which must be sought in the offer made on the one hand and the acceptance given on the other. These settlements were made under the provisions of Bombay Act VII of 1863, an enactment expressly passed for the purpose of legalizing, regulating and facilitating them. The correspondence to which Government allude in their letter under reply establishes that the following points, which I have from time to time submitted for the consideration of Government, have been concurred in by two successive Advocates-General, the Honourable Mr. Marriott and the Honourable Mr. Latham:—

(1) that on the acceptance by the holder of any land of the summary settlement, the said land becomes his 'heritable and transferable property' (Section 6, Bombay Act VII of 1863);

(2) that the right to the trees necessarily follows the property in the soil (VI. Bo. H. C. R., 188, A. C. J.);

(3) that such right extends to the whole area in respect of which the summary settlement was offered and accepted; and

(4) that Rule 2, Section 6 of Bombay Act VII of 1863, merely enabled the Collector to assess land of an exceptional character at his discretion, but did not permit of his excluding such land or the trees growing upon it from the operation of the settlement.

In further explanation of the last two points, I may now add :—

(5) That there is nowhere in the Act any authority for splitting up a holding and for offering the summary settlement in respect of one portion of it and withholding the offer in respect of the rest. The evident intention of the Act is that each holder of 'lands held either wholly or partially exempt from the payment of land-revenue' shall be entitled to the summary settlement in respect of his entire holding.

"11. Section 9 of the Act provides for the service of a notice upon the holder of lands held wholly or partially exempt from land-revenue. There is no provision in it that the area of the lands to which it applies shall be set forth in the notice. The notice is to call upon the holder of the exempt lands 'to state whether he is willing to accept and abide by the settlement' prescribed by the Act, 'or whether he demands formal inquiry into his title.' It is also to 'explain the nature of the alternatives offered on the part of Government.' Nothing more.

"12. A person receiving a notice and looking to the terms of the Act under which it was issued would therefore be entitled, in my opinion, to regard anything contained in it which was not prescribed by the Act as surplusage which could not affect his legal position one way or another. At any rate he would not be bound by anything which was inconsistent with the Act.

"13. Now it was not essential that the notices should set forth the area of the holding to which they related. The Collector of Thána appears to have been aware of this, for in his very first instructions issued on 11th September 1863, he directed that the area of a village should only be entered when the survey of that village had been completed, and that in other cases it would be sufficient to write '*sabandh gaon*', the entire village '*nime gaon*', half the village, &c., as the case might be. It does not appear to me reasonable to hold the Collector, and still less the inámdárs, responsible for the various

entries which the Mámlatdárs and their clerks made in the notices, in execution of, or in spite of this order. I do not think Mr. Ebden has succeeded in showing that there was any intention on the Collector's part of limiting the settlement to the precise area set forth in the notice; and if he had any such intention it was, I think, inconsistent with the Act. His object really appears to have been merely to indicate with sufficient clearness the holding to which the notice referred; and this is all that was necessary under the Act. Just as the parties to a deed are not held to be bound by an erroneous entry therein of the extent of area of the property affected, so also the figures in one of these notices were unessential if the holding to which the notice related was otherwise clearly indicated therein.

"14. The same may be said, I think, with regard to the amount of assessment or revenue shown in the notices. There was no legal necessity for setting forth in them the amount of the assessment on which quit-rent would be leviable. The Act clearly prescribes how the amount is to be ascertained and a reference to those rules would have sufficed. No legal presumption can be drawn from the fact that the assessment of forests was or was not shown, along with the assessment of the cultivated area, in the notices.

"15. The Collector at first directed that the holders of forest villages should not be served with notices until orders should be received as to how to calculate the forest revenue. Afterwards, when he had received the Revenue Commissioner's instructions as to the manner in which the assessment of forest lands should be ascertained, he called for a list of inám villages in which the forest had been decided to belong to the inámdár, and directed that the notices for forest villages in which the forest had been decided to belong to Government should not show the forest revenue. From these two orders and from the Collector's subsequent order it seems that Mr. Gordon's idea was that the entire assessment on which quit-rent was to be levied should be shown in the notice. But when he attempted to give effect to the Revenue Commissioner's orders for fixing the assessment of the forests, he found himself beset by difficulties, and so, as he was pressed not to delay issuing notices, he issued them to the holders of forest villages without showing the assessment of the forest but with foot-notes added to the effect that the quit-rent in respect of the forest would be levied separately, and in doubtful cases that the question of the inámdár's right to the forest would be the subject of future inquiry. In all this Mr. Gordon no doubt acted cautiously and discreetly, but the absence from the notices issued under his orders of the forest assessment or revenue is not a certain indication that he did not intend the forests to be included in the settlement even if it was competent to him (which it was not) to exercise his own will in the matter.

"16. With regard to the foot-notes which Mr. Gordon caused to be added to some of the notices, it is clear, I think, that they could have no binding force. The inámdárs might receive them as indicating the Collector's view of the law or as affording information of his intentions at that time, but their acceptance of the summary settlement, or their failure to reply to the notice had, in my opinion, no other effect than what the Act itself prescribes.

"17. With regard to the reservation of the right of future inquiry into the inámdár's claims to the forest, I cannot help thinking that Mr. Gordon went much further than the Revenue Commissioner or Government intended. The Revenue Commissioner, Mr. Ellis, in the last paragraph of his letter No. 2250-A of 17th October 1863, stated as follows :—

> '3. This rule applies only to inám villages in which the inámdár claims his right over a forest not included in the assessed lands of his village, but does not apply to forest admitted to be Government reserves which may happen to be situated within the limits of inám villages.'

The words used are 'claims' as regards inámdárs' forest and 'admitted' as regards 'Government reserves.' There is no indication here of an intention that there should be a preliminary inquiry and a decision in every case as to the inámdár's right to his forest. So again Government Resolution No. 254 of 23rd January 1865 was passed upon the assurance of the Revenue Commissioner that 'the settlement suggested was applicable only to alienated forests and not to those which were *admitted* to be Government property.' The Revenue Commissioner evidently thought that the summary settlement should and would extend to all forests within inám villages not *admitted* to belong to Government.

"18. Mr. Ebden has devoted some paragraphs to show that an inquiry and a decision on this question of an inámdár's right to his forest would not be foreign to the intention and meaning of the Summary Settlement Act. From this opinion I entirely differ. The primary object of the Summary Settlement Act was to dispense with the necessity of all preliminary inquiry or decision, and the erroneousness of Mr. Ebden's argument is, I think, at once evident if we attempt to answer the questions: (1) by what authority could such an inquiry be conducted and (2) what legal force would the Collector's decision have as against the express provision of the Summary Settlement Act that the entire holding of every inámdár who accepts a summary settlement shall thenceforward become his heritable and transferable property?

"19. The Resolution of Government, No. 3988 of 14th October 1864, placed the question of summary settlement holders' rights to trees and forests in its correct light. It said :—

> 'The Resolution of Government, No. 5388 of 1861, was intended to set at rest all doubts in

regard to inams to which the summary settlement was applied, that is, lands actually in the occupation of persons claiming them as inams.

'2. The decision in all cases with regard to the claims to trees will therefore turn upon the fact whether the inámdár was exercising over the lands in which the said trees are situated, rights of occupancy. If he was, his right to the trees should be admitted under the summary settlement, but if, as frequently happens, the forest reserves were distinct from the rest of the village lands, and the inámdár exercised no rights of occupancy over them at the time the settlement was made, he should not be admitted under it to a right in such reserves.'

"20. This Resolution seems to have escaped Mr. Ebden's notice. It was no doubt in the hands both of the Revenue Commissioner, N. D., and of the Collector of Thána soon after the date which it bears, and it probably accounts for the fact that the Collector never made the threatened inquiries into the forest rights of those inámdárs whose original sanads did not in distinct words convey to them a proprietary title. If he was satisfied that a forest was included in the area within an inámdár's occupation, both the above Government Resolution and the Summary Settlement Act gave the inámdár a perfect title to that forest.

"21. With reference, therefore, to the second question which I have set myself to answer (*supra* paragraph 9) I am of opinion that the Collector's reservation of a right of inquiry and decision into forest claims was unnecessary and unauthorized, and therefore void, and that the kabuláyat taken from an inámdár before any such decision was passed was therefore good and binding, if the forest to which it related was within his holding and not a distinct forest reserve admittedly belonging to Government.

"22. I may add that even had my opinion as to the forest-rights of inámdárs under a summary settlement been other than it is, I should have felt great difficulty in advising Government that they might ignore and set aside agreements which were executed twenty years ago and which, as I have said above, have probably been acted upon in the interval more than once."

Opinion of the Advocate-General on the Forest rights of certain Inámdárs in the Thána Collectorate.

"Before proceeding to categorically answer the several questions contained in the letter No. 3854 of 1883, Revenue Department (19th May last), from the Under Secretary to Government to the Solicitor to Government, it will be well to draw attention to the provisions of the Summary Settlement Act (Bombay Act VII of 1863).

"The Act recites that it is expedient to provide with certain exceptions for the summary settlement

of all claims to hold land wholly or partially exempt from the payment of land revenue and

"Section 2, clause 1, enacts that when the holders (holder is defined as the person who by himself or his tenants, &c., is in possession) of lands (except, &c.) held either wholly or partially exempt from the payment of land revenue, shall consent to the terms and conditions thereinafter described, it shall be lawful for the Governor in Council to finally authorize and guarantee by sanad the continuance in perpetuity of the said land to the holders, their heirs and assigns.

"Section 6 enacts that the lands so continued in perpetuity shall be the heritable and transferable property of the holders, their heirs, &c., and be continued in perpetuity at a fixed annual payment to Government.

"Section 9 enacts that, in order to ascertain whether a holder desires to accept the settlement, the Collector, &c., shall serve him with a notice calling upon him to state whether he is willing to accept the settlement or whether he demands an enquiry into his title, and clause 8, that if the holder makes no answer for six months stating that he declines the settlement, &c., he shall be deemed to have dispensed with enquiry and the lands shall be dealt with under Sections 2 and 6.

"Section 10 enacts that if a holder claims an enquiry, then enquiry shall be conducted under the rules enacted—Clause 2, that all land held in excess of that by which title is established, shall be fully assessed.

"It is to be observed upon these provisions that the benefit of the Act is to be given to such holders, *i.e.*, persons in possession, as consent to the terms and conditions of the Act, in preference to being obliged to prove their title to exemption, and there is to be no enquiry into title save when the holder demands such enquiry.

"The sole question is the fact of occupancy, and clause 2 of Section 10 shows that, save where there is an enquiry into title, the right to occupancy is not a subject of enquiry.

"Government in my opinion in their Resolution No. 3988 of 14th October 1862 @ 64 (referred to in paragraph 19 of Mr. Naylor's report 531 of 1883) took a perfectly correct view of the Act and were quite right in laying down in the 2nd paragraph of that Resolution that 'claims to trees will, therefore, turn upon the fact whether the inámdár was exercising, over the lands in which the trees are situated, rights of occupancy. If he was, his right to the trees should be admitted.'

"So where the fact of occupancy exists there is no enquiry into the occupant's rights—if he occupies forest land there is no enquiry whether under the terms of his sanad or otherwise he is entitled to the ownership of the forest or not.

"And thus the foot-notes to the notices referred to in Mr. Ebden's letter reserving the question of the ownership of the forest until inspection of the sanads are not in accordance with the Act.

"I now proceed to answer the questions put in the Under Secretary's letter.

I. Is it consistent with the Summary Settlement Act to make an enquiry for the purpose of determining whether forest land forms part of the holding of an Inámdár and in his possession?

If 'an enquiry' in this question means an enquiry at which the inámdár is to attend and by which he is to be bound, I think such an enquiry is inconsistent with the Summary Settlement Act, for there is no provision regarding such an enquiry, nor is there any means for making the enquiry binding upon the inámdár.

"The only enquiry contemplated by the Act is that under Section 10, where the inámdár claims an enquiry, and under clause 2 of that section a full assessment is leviable on all land found upon such enquiry to be held in excess of that to which the title is established.

"The Act does not contemplate that there would be any question respecting the area of the holding.

"Certainly, and the effect is that the ownership in the soil and trees of the forest referred to in A. under the provisions of the Act become the absolute property of the inámdár.

II. Does a kabuláyat in form A. constitute by itself a contract binding on Government?

"I should consider it unlikely that any kabuláyat was executed without any notice under Section 9 of the Act.

III. When such a kabuláyat was executed prior to the issue of the notice of settlement and when the notice of settlement issued subsequently reserved the question of forest rights, must the settlement be held to have extended to the forests, or is it still open to Government to enquire whether the forest land was in the possession of the inámdár and formed part of his holding at the time of the settlement? Would the burden of proving the exercise of rights or possession lie on the inámdár?

"And I have already pointed out that where the forest was in the occupancy of the inámdár, any reservation in the notice of the question of forest rights was *ultra vires* of the Act.

"Whether a preliminary notice under Section 9 was given or not, would not affect the validity of the kabuláyat, and the kabuláyats in my opinion would be binding upon Government for the whole area mentioned in them, whether forest or not; and I think it is not now open to Government to enquire whether the forest land was in the possession of the inámdár and formed part of his holding at the time of the settlement.

"A contract can only be rectified when through fraud or mutual mistake of both parties it does not truly express their intention [Specific Relief Act I of 1877, Section 31]; and a contract is void only where both parties to it were under a mistake as to

an essential matter of fact; it is not voidable merely because it was caused by one of the parties to it being under a mistake as to a matter of fact [Indian Contract Act IX of 1872, Sections 20 and 22].

"No fraud is alleged on the inámdár's part; the utmost that can be said is that Government officials were mistaken as to area in the inámdár's holding.

"No kabuláyat has been granted for Maniavli, but here as in all other cases the question is, what is the area of the holding; for that area the inámdár would be entitled to the summary settlement with its consequent advantages, and if that area comprised the forest, the subject of the decision of the decree, the inámdár would be entitled to the summary settlement in respect of that forest notwithstanding the High Court's decree on the construction of the sanad.

IV. Does the entry of the words Sabandh Gaon (entire village) in the notice of settlement have the effect of extending the settlement to the forest lands notwithstanding any reservation which may be made regarding such land? The High Court in their decree No. 9 of 1868 rejected the Maniavli inámdár's claim to forest rights on the ground that the sanad did not convey the soil (*vide* entry No. 42 in Mr. Ebden's list among the papers) though in the notice of summary settlement the phrase "Sabandh Gaon" was used.

"If the inámdár was in possession of part only of the village, the entry of Sabandh Gaon in the notice, by mistake, would not bind Government, and the settlement would be for the actual area of the holding. If, however, the holding comprised the whole village, including the forest, the exclusion of the forest by the foot-note to the notice could not deprive the inámdár of his right to the summary settlement in respect of that forest.

"I cannot advise on this limited statement of facts. It is not said whether the inámdár held the forest or not, or whether he accepted the offer of summary settlement, or whether any sanad has been granted.

V. In the case of the village of Khadavli, must the entry of the words 'Sabandh Gaon', without any reference to forests in the notice of settlement, be construed as an extension of the settlement to forest land notwithstanding that Government had previously decided that the inámdárs had no right in the forest land?

VI. Does the unauthorized taking of the kabuláyat, regarding the forest land in Bársangi have the effect of extending the settlement to such land or does it constitute an agreement outside the settlement which is binding on Government?

"Here the kabuláyat has been taken so long ago as February 1875.

"The foot-note to the notice reserving forest rights was, as before stated, *ul ra vires*, and the circumstance that no proof was given that the inámdár held the vahivat of the forest or that his sanad gave no forest rights, cannot affect the validity of the kabuláyat—*vide* my reply to question No. 3.

"It would not appear that any settlement has been made. But it would seem that the inámdár is in possession, and if that be so, notwithstanding his sanad, he would be entitled to the forest under the Act.

VII. If the settlement made regarding the village of Milhe was based on a misapprehension, can the mistake be now rectified?

"Before I could answer this question satisfactorily I must know something more of the facts. It may be that a question had arisen respecting the inámdár's right to the forest and that the Conservator of Forests without definitely deciding upon those rights gave him leave to cut; if so, this would be equivalent to admitting the inámdár's right to possession.

VIII. In the case of Ambitghar and other villages, would the permission to cut given by the Conservator of Forests be held to prove possession of the forest land?

"Act VII of 1878, Section 79, enacts that if Government and any person be 'jointly interested.' I think 'jointly interested' is intended to apply to cases where there is unity of possession by Government and the inámdár of the forest in question, not to cases where (although there is no line of demarcation) it can be said Government is entitled to one portion and the inámdár to the other."

IX. In the case of Sharakati villages in which forest rights in half the villages have been conceded to the inámdár, but where there has been no demarcation, can Government take over the management of the forests under Section 79 of the Forest Act?

(G. R. No. 6674, dated 8th September 1883.)

In cases in which a summary settlement has been made and a kabuláyat has been executed regarding the forests, the right of the inámdar to the forests on the conditions specified in the kabulayat, should be admitted. (G. R. No. 6674, dated 8th September 1883.)

24. The rules on which Government have hitherto acted in deciding cases regarding the forest rights of inámdárs in their villages should be adhered to. These rules are (1) that the words "jal, taru, &c." in a sanad give a right to the forests; (2) that the Inám Commissioner's decisions are final; and (3) that the summary settlement gives a right to the forests. (G. R. No. 8185, dated 9th October 1885.)

25. Under the Act, inámdárs who have accepted the summary settlement are entitled to all rights, including forest rights, over all lands in their holding at the time of the summary settlement. Their liabilities are settled either (*a*) by the assessment then existing, (*b*) by special agreement or (*c*) by subsequent assessment, unless (*d*) any part of the land is so exceptional in its character that it cannot be assessed, and in that case it is left (§ 6 (2) B. VII. 1863) to the discretion of the Revenue Officers who, however, if they exercised such discretion and assessed the land, assessed it once for

all. (L. R. No. 1338, dated 15th December 1888; *vide* G. R. No. 2646, dated 6th April 1889.)

26. No agreements to pay quit-rent on the value of forest cuttings should be taken from Fût Inámdárs to whose holdings the summary settlement has been applied and whose forest lands have been assessed for the purpose of that settlement, and in the case of Fût Inámdárs who have already executed such agreements, no charge in respect of quit-rent payable under the agreements should be levied, when the summary settlement has actually been applied to their forest lands. (G. R. No. 2646, dated 6th April 1889.)

27. The following rules proposed by Mr. Gordon, Collector of Thána, for assessing forests in inám villages in the district for the purposes of the summary settlement were approved by Government:—

(1) One-third of the produce being first deducted for the cost of conservancy, the inámdár will pay to Government one-eighth of the remainder of the produce whenever he cuts his jungles.

(2) The inámdar will report to the Collector beforehand the kind of wood he is about to fell and the duration of the felling.

(3) The inámdár will give passes according to such orders as may be issued by the Collector. Wood sent without a pass may be dealt with as Government wood.

(4) The inámdár will show the *bonâ fide* receipts of the forests, and will keep such accounts as he may be ordered to keep.

(G. R. No. 254, dated 23rd January 1865.)

28. Nothing is said in Rule 2 of Section 6 of Act VII of 1863 about calculating the assessment on the value of the wood cut, and it is well known that the agreements (kabuláyats) taken from many inámdárs under Government Resolution No. 254, dated 23rd January 1865, binding the inámdárs to pay one-eighth of the proceeds of the timber in their forest when cut, were executed not in compliance with any of the provisions of the Summary Settlement Act, but in order to obviate the necessity of determining under Rule 2 of Section 6 of the Act the quit-rent to be paid by the inámdars to Government in respect of their forests and they are, therefore, *contracts outside the Act.* (L. R. No. 1265, dated 29th September 1885; *vide* G. R. No. 8640, dated 24th October 1885.)

29. By a summary settlement an inámdár, whatever his rights before, becomes by virtue of the proprietary right in the soil which such settlement confers, entitled to all forest rights over all lands at the time of such settlement in his *holding.* When a summary settlement has taken place, the right to the trees does not depend on any mention of the trees or any expressed intention to give or retain the control over them, but solely on

the question whether the trees stand within the area to which the summary settlement applied. (L. R. No. 368, dated 6th April 1889; *vide* G. R. No. 5572, dated 11th August 1890.)

30. Inámdárs whose titles had been adjudicated before the Summary Settlement Act became law, and who have since agreed under that Act to pay a nazrána of one anna in order that their holdings may become their transferable private property, are to be deemed to have full proprietary rights as inámdárs to whom a summary settlement has been applied. (L. R. No. 31, dated 6th January 1885; *vide* G. R. No. 539, dated 19th idem.)

31. The decision of the question whether judi can be levied from inámdárs on the proceeds from the sale of such minor produce as leaves of apta, temburni and pallas trees, hirdas, shikakai, &c., growing in their forests must rest in each case on the terms of the agreement executed by the inámdar, and a general rule cannot be laid down without regard to the agreements; but when an inámdár has agreed merely to pay judi on timber or on "cuttings," judi cannot be levied on profits derived from minor forest produce. (G. R. No. 6632, dated 8th September 1883.)

32. Section 40 of the Land Revenue Code is inapplicable to lands held for service, which are 'alienated' and not 'unalienated' lands.

The former portion of No. 10 of the Joint Rules applies in every village in the Násik District into which a survey settlement was introduced during the period when that rule was in force. But as the rule is relied upon as conveying a grant or concession by Government, it should be strictly construed in favour of the State, and the words 'proprietors of inám, judi and mirás lands' may reasonably be taken to mean persons having proprietary rights in such lands. The use of the word 'proprietors' in such a context is unusual, and unless it was intended by using it to lay stress upon the possession of proprietary right, it is not easy to account for the more ordinary words 'holders' or the more natural terms 'inámdárs', 'mirásdárs,' &c., not having been employed. Government may fairly claim that Joint Rule No. 10 merely acknowledged the right over trees possessed by proprietary inámdárs, which has since been frequently decreed by the Civil Courts.

Primâ facie lands held for service are not held under a proprietary title; and unless the holders hold under a title-deed which confers proprietary rights in express terms, they are not entitled to the timber on their lands or to forest rights.

(L. R. No. 1639, dated 20th December 1886; *vide* G. R. No. 419, dated 17th January 1887.)

33. The distinction between a holder of service lands and an ordinary occupant is clear. Service tenure is a privileged tenure, and the extent of the

alienation conveyed in the privilege is governed by the general rules which do not presume cession of forest rights in the absence of proof. Government can disallow altogether the cutting of trees in service lands or can permit it subject to such conditions as they may think fit to impose. (G. R. No. 5987, dated 6th September 1888.)

34. In those villages in which the service grant was made by Government, prior to the alienation of the village to the inámdár, and thus excluded from the inám to the latter, the right to the trees in such service lands would undoubtedly vest in Government, while in the villages where the service grant was subsequent to the alienation of the village, such right must be considered to vest in the inámdár. (G. R. No. 7674, dated 17th November 1888.)

35. The proposals made by the Divisional Commissioners in their following report No. 3497, dated 8th November 1889, should be generally acted on. Whatever trees are reserved in the case of ordinary occupants should be reserved also in those service lands to which a settlement converting them into private property had not been applied :—

"Government Resolution No. 5987 of 6th September 1888 calls for the opinion of the Commissioners on the question of inámdárs' rights to trees in service holdings, other than those to which Gordon's settlement has been extended. All district officers' watans, however, which have not fallen under Gordon's settlement, have either already come under some other analogous non-service settlement (*e. g.*, the several settlements in Gujarát) or will eventually do so (there are only a few stray cases of the latter kind where a non-service settlement is delayed). Inámdárs' rights in the case of all such holdings will necessarily be governed by the terms of the settlement in each case. All district hereditary officers' watans are, therefore, excluded from the scope of the present enquiry. The question will affect only the holdings of—

I—Village servants useful to community comprising (*a*) those whose services, though formerly of use, are not now required; and (*b*) those whose services are still useful to the community, such as the village carpenter, potter, &c.

II—Village servants useful to Government.

"2. Holdings coming under Class I, head (*a*), have had a quit-rent of eight annas in the rupee imposed upon them, and have been converted into private property. The inámdárs of all such holdings would, therefore, have the same complete right over trees as the holder of any personal inám land.

"3. Holdings under Class I, head (*b*), have also been subjected to a quit-rent of four annas in the rupee, but they are still regarded as *service* watans, and are continuable only so long as service required by the community is performed. As soon as the land ceases to be held for such service, it is liable to be resumed by Government (Government Resolution No. 6310 of 25th August 1883). Resumption, however, has been held to mean only the levy of full assessment; possession is not to be disturbed in case of old alienations (Government Resolution No. 656 of 23rd January 1885). So that even where such land has been alienated, the holder retains the right to be in occupation subject only to the payment of full assessment. His right to trees should not, consequently, be held in any way inferior to that of an ordinary survey occupant, and we find that in disposing of a reference from the Panch Mahál District, in connection with the question of the

right to trees on the lands held by this class of village servants, Government were pleased to lay down the principle that these village servants had exactly the same rights in the land as other occupants have in lands occupied by them (Government Resolution, Revenue Department, No. 3876 of 21st May 1883).

"4. We are aware that a different ruling has been laid down on this question in Government Resolution No. 7633 of 9th November 1887, but we are of opinion, for the reasons above given, that the former ruling (Government Resolution No. 3876 of 21st May 1883) is not only more liberal but more equitable.

"5. The only class whose claims remain to be considered are 'village servants useful to Government.' On this subject no distinct orders would appear to have been passed, prior to the issue of Government Resolution No. 419 of 17th January 1887, which lay down the principle that '*primâ facie*, lands held for service are not held under a proprietary title.' The correctness of this principle can admit of no question. Whether the lands are held by watandárs and are continuable hereditarily, or whether they are held merely as the remuneration of non-watandári servants, they are absolutely the property of Government, though in the case of watan lands their occupation is subject to the provisions of the Watan Act.

"6. Admitting these facts to the fullest extent, however, we are of opinion that no good grounds can be shown for treating this useful class of village servants with less liberality than the rest in the matter of their rights over the trees standing on their service lands. Most of these lands are held hereditarily; all of them are inalienable; and as shown by Mr. Younghusband, Assistant Collector of Ahmedabad, in his report No. 737 of 8th November 1888, the temptation which exists in the case of ordinary survey occupants of throwing up the land after denuding it of the timber standing thereon does not exist in the case of these holdings. The land, moreover, being held by the same family from generation to generation the trees in almost all cases have been planted and reared by the present holders of the land or by their ancestors. It is reasonable, therefore, that such benefits as arise from the trees where productive should also go to the holders.

"7. We would further submit that while the ordinary survey occupant pays a certain amount of assessment for the land he occupies, the village servant renders service (in return for which that assessment is foregone), the only difference being as above pointed out that whereas the survey occupant can throw up his land after removing all the trees standing on it, the village servant cannot do so without losing his hereditary service, *a sacrifice that has never yet been made to our knowledge*. We fail to see, therefore, why any distinction should be made between rights enjoyed in return for a certain amount of assessment and those enjoyed in return for service.

"8. We beg to submit reports from the Collectors in the three Divisions, which indicate a general concurrence on their parts in the views above expressed."

(G. R. No. 9578, dated 19th December 1889.)

36. Trees in lands held for service without proprietary right could not be claimed *as of right* by the holders of the land either (*a*) as proprietors, or (*b*) as occupants. Rights to the trees might be conceded by Government, but could not arise till the concession was actually made, and such concession would not be complete till communicated to the persons in whose favour it was made.

Section 40 of the Land Revenue Code is wholly inapplicable to trees in uncommuted service lands.

The right to all trees, &c., wherever growing (except the property of individuals or aggregates of individuals) vests in Government under Section 41 of the Code, and that section contemplates directions being given by Government from time to time as to their preservation and disposal. Apparently, therefore, the directions of Government should take the form of executive orders from time to time, not as admitting any rights, but as authorizing concessions. Any orders so made will have legal effect under Section 41 as authorizing action taken under them, but will be at any time revocable until acted on. There is no provision of law requiring Government to notify such orders in any particular way. (L. R. No. 268, dated 3rd March 1890; *vide* G. R. No. 2156, dated 24th idem.)

37. The orders passed in Government Resolution No. 9578, dated 19th December 1889, have been modified to the following extent. Watandárs who still perform service are allowed to cut down trees in their holdings with the permission of the Collector first obtained, which the Collector may refuse if he sees good grounds for doing so. An executive order should be issued to Collectors that where the custom is for the land to pass from an occupant to his natural heirs independently of the watandár who actually performs service, the permission should be given, but that where the land passes with the office and the holder enjoys only a temporary usufruct, permission should only be given for good reasons such as that the trees are ready to fell, damage the crops, or the like. The rule should be that

(*a*) Occupants of service holdings may, with the previous permission of the Collector, cut any trees standing in their holdings.

(*b*) The Collector shall not, except for express reasons, to be recorded in writing, refuse permission unless the trees be reserved at the survey, or form portion of sacred groves, or are road-side or other trees useful to the community, and whose destruction would be a public loss.

(*c*) In the case of an application to cut isolated teak or other reserved trees, the Collector may grant them on payment of their estimated value. Where a permission to cut several of such trees is applied for, the application should be disposed of by the Conservator.

(*d*) Whatever trees are reserved in the case of ordinary occupants should be reserved also in those service lands to which a settlement converting them into private property has not been applied. The occupants of service lands concerned should be warned that the concession now allowed is granted as an act of grace and not as an admission of any right, and that it is revocable at the pleasure of Government.

(G. R. No. 6376, dated 9th September 1890.)

38. The following High Court's judgment in Appeal No. 45 of 1891 from the original decree in the case of *S. J. DeSouza Devino* v. *The Secretary of State for India in Council* was circulated to the officers concerned with reference to Government Resolution No. 9578, dated 19th December 1889 :—

"In this case the Court having found that the land in question was service inám land sent down an issue for determination as to whether, before the issue of Government Resolution No. 9578 of 19th December 1889, the holders of service inám lands had a title to the trees on their lands, and if so, whether they had the right to cut down trees without the permission of the Collector.

"The District Judge has found this issue in the affirmative on two grounds, the first of which is applicable to the particular lands as being in his opinion 'unalienated' land within the contemplation of Section 40 of the Land Revenue Code, V of 1879, and the second applies to all service inám lands. A preliminary objection, however, has now been taken by Mr. Vasudev Jagannath Kirtikar for the defendant that the Civil Courts have no jurisdiction to try the question which is the subject of the issue sent down, as being a 'matter' within the contemplation of Section 4, clause (*a*) of Act X of 1876. It was said that this Court having decided that the land was service inám land and not survey occupancy land as the plaintiff contended, it ceased to have jurisdiction over the plaintiff's claim against Government in respect of the trees, as such a claim would be 'relating to property appertaining to the office of a village officer.' We think that this is the necessary result of the above section. The plaintiff's claim, having regard to our finding and to the definition of 'land' as contained in the Act, undoubtedly 'relates to property appertaining to the office of a hereditary officer'; but it was said indeed that clause (*a*) was only intended to apply to property appropriated to the payment of the officiating member of the family; the expression used, however, is 'hereditary officer' and not the persons performing the duties of the 'hereditary office' to which by the Hereditary Offices Act III of 1874, the distinct denomination is given of 'officiator' and by which we should expect him to have been referred to in Section 4, clause (*a*) of the Act of 1876; had the intention been, as appellant contends it was, to confine the term 'property' to his remuneration. We feel, therefore, constrained to hold that the Court by deciding the land was service inám land ceased to have jurisdiction over the plaintiff's claim, and we must, therefore, reject the claim on that account with costs."

(G. R. No. 4555, dated 4th June 1893.)

PART XXVIII.—FOREST CLASS, POONA.

1. The students of the Forest Class, Poona, should be taken during the rains to visit and assist at planting operations in the vicinity of Poona, while during the months of October, November and December of each year they should be taken into the teak and mixed forests in the neighbourhood where the work of felling trees, of lopping, stacking and preparing wood for sale is going on, and be thoroughly instructed in those duties, and also be taught the names of trees and the properties possessed by them. An allowance should be made by the Forest Department, at the rate of Rs. 10 per head, per month, to the students while under instruction in the forests. The Conservator should provide this expenditure in his budget. (G. N. No. 5155A, dated 8th October 1878.)

2. In the Presidency proper, it is desirable to attach the Forest Class students during their vacations to parties of the Topographical Survey. In Sind, there is no objection to their being attached to the Revenue Survey parties. (G. R. No. 5014, dated 14th July 1886.)

3. Travelling allowance is not to be granted to the students of the Forest Class in the College of Science, Poona, while out for practical instruction. (G. Rs. Nos. 3556, dated 8th June 1887, and 8345, dated 7th December 1887.)

4. As all other students at the College of Science are required to pay fees, no good reason can be shown for a special exception to be made in behalf of the students of the Forest Class. (G. R. No. 4594, dated 30th May 1892.)

5. There is no reason to modify the orders under which students attending the Forest Class in the College of Science, Poona, draw allowance at the fixed rate of Rs. 10 while on instruction tours, and pay their own expenses and make their own arrangements. They can diet together for the purpose, if they find it convenient to do so, and the Professor should give them such information and assistance as they may require so long as they pay their own charges. Tours should not be made unnecessarily costly to the students by taking them to distant forests when there are others nearer at hand which will serve practical purposes. (G. R. No. 8562, dated 23rd November 1893.)

6. The Professor of Forestry attached to the College of Science, Poona, will be under the immediate orders of the Principal of that College in everything connected with his duties, and will not be subordinate to any of the Conservators of Forests. But as his salary, &c., will be charged in the accounts of the Forest Circle, which has its headquarters at Poona, any questions he may desire to have placed before Government upon purely departmental matters (Indian Forest Service) affecting his individual interests, not connected with his pro-

fessorial duties of the College, should be reported to or addressed through the Conservator of Forests of the Circle to which his salary and allowances are charged.

(2). It is not necessary to constitute the Professorship of Forestry a separate division of accounts. The Professor of Forestry, drawing his pay from the Treasury of the Divisional Forest Officer, Poona, will not be in a less favourable position than professors who draw pay and other allowances from the Poona Treasury. If he travels in other districts than Poona, he can obtain payments of his bills from the Divisional Forest Officer of the district in which he happens to be, and the amount drawn will be transferred to the Poona Divisional accounts as an interdivisional transfer.

(3). The question of giving such clerical assistance as may be required by the Professor of Forestry should be dealt with by the Principal of the College of Science, Poona.

(4). The peons that may be required by the Professor while touring should be furnished on application out of the existing forest staff by the Conservator or Deputy Conservator of the Circle in which the tour is made.

(5). The College library will be accessible to the Professor of Forestry, but for such books of reference required by him as are not to be found in that library, he can apply to the Conservator of Forests, Central Circle. The Conservator should supply the Professor with copies of such Government Resolutions on forest matters as he thinks may be of use to that officer in connection with his duties.

(6). A permanent tentage allowance of Rs. 25 per mensem will be passed to the Professor of Forestry on his certifying that he maintains suitable camp equipage for himself while on tour with the Forest pupils of the College.

(G. Rs. Nos. 2860, dated 22nd April 1893, and 8520, dated 21st November 1893.)

PART XXIX.—MISCELLANEOUS.

1. *Mahábaleshwar Forests.*—The forests surrounding Mahábaleshvar, known as "Panch Mile Rahn," should be under the control and management of the Conservator of Forests, N. D., and the Superintendent of Mahábaleshvar is, in forest matters, to be considered his Assistant. (G. R. No. 5630, dated 9th November 1871.)

2. *Dáng Forests.*—Either the Political Agent in Khándesh or Assistant Political Agent should positively visit the Dángs at least once a year, and the Forest Officer must arrange to meet him there. They will then arrange for preventing the destruction of timber on the one hand and putting down the extortions by forest peons on the other. (G. R. No. 4269, dated 28th July 1875.)

3. *Supply of Rules, &c., to the Government of India.*—Copies of rules and notifications, except those under Section 4 relating to the proposed constitution of areas as reserved forests, that may be published by Local Governments under the provisions of the Indian Forest Act, 1878, should be submitted to the Government of India for information and record (G. I., R. A. & C., No. 21-F., dated 15th April 1878, and G. I., R. & A., No. 17-F, dated 18th June 1889; *vide* G. Rs. Nos. 2218, dated 30th April 1878, 6092, dated 20th August 1889, and 2628, dated 11th May 1881.)

4. Three copies of all rules that may be issued under the provisions of the Forest Act should be regularly and promptly supplied to the Government of India. (G. I., R. & A., No. 29-F., dated 13th September 1889.)

5. *Forest Produce.*—What constitutes "forest produce" is clearly laid down in the definition of that term as given in paragraph 2 of the Indian Forest Act. Loose stones and the ruins of old buildings, whether composed of cutstone or of bricks, clearly do not come within the category of articles included in the definition of forest produce. (G. Rs. Nos. 1802, dated 28th March 1881, and 3428, dated 28th April 1884.)

6. The District Officers may safely be trusted to exercise with discretion the powers with which they are invested by the Survey Rules. In reserved forests, the quarrying of stone, the selling of trees, and removal of forest produce are prohibited under Section 25 of the Act, except with permission in writing of the Forest Officer or under a rule made by the Local Government. The Collectors have not claimed authority to sanction any of these acts in reserved forests without the concurrence of the Forest Department. Village forests are reserved forests in which some of the rights of Government have been transferred to the villagers, and the above remarks apply to them also. In protected forests there is no general and absolute prohibition of quarrying, felling, or the removal of forest pro-

duce, and therefore the less necessity for any stringent rules. Government, while upholding the principle that the Forest Officers should be consulted as to the disposal of public property which is under their care, considers that the details may very well be settled between the Collector and the District Forest Officer, and by a general understanding as to what should be allowed or forbidden rather than by correspondence on every particular case. When any important difference of opinion arises, the question may be referred to higher authority. (G. R. No. 2309, dated 23rd April 1881.)

7. Applications for permission to obtain stone and murum from the forest area should, when preferred, be speedily disposed of by the Divisional Forest Officer and all reasonable facilities for procuring what is required should be allowed when the quarrying of stone or the removal of murum is not likely to be injurious to the forests. (G. R. No. 1203, dated 14th February 1883.)

8. The fees to be charged for the removal of earth, stone, sand, kankar, murum, &c., from reserved forests should be settled by the Conservators of Forests and Forest Officers in communication with the Commissioners of Divisions, who would represent the interests of the public. When the levy of a fee per cart-load would act prohibitively, a fee per 100 cubic feet may be substituted. (G. R. No. 1872, dated 29th February 1884.)

9. The levy of fees for the removal by villagers for domestic or agricultural purposes of loose stones from forest lands should be discontinued in the Poona Collectorate. Such stones may be taken by the villagers free of charge for the purposes mentioned, but should only be removed after the permission of the local Forest Officers has been obtained. (G. R. No. 7737, dated 31st October 1890.)

10. Government leave it to the Conservator of Forests, S. D., to determine in each year whether the myrobolans growing in the Government forests in the Belgaum District should be sold at the ghát depôts or conveyed departmentally to the coast for sale there. If reasonable prices are not offered at the ghát depôts, the myrobolans may be sent to the coast. The probable cost of carriage should be entered in the budget on the understanding that the amount will not be expended if the myrobolans can be sold with advantage at the ghát depôts. (G. R. No. 4164, dated 28th June 1882.)

11. In cases in which inám and malki lands bearing much hirda adjoin and are mixed up with the Government hirda tracts along the Belgaum Ghâts, the Conservator of Forests, S. C., is authorized to dispose of applications from inámdárs and malkivalas for the collection of their hirda (myrobolans) by the Forest Department at the same time as the Government hirdas are collected, on the condition that they were given a share of the realiza-

tions from the sale of hirdas in proportion to the area their hirda-bearing land bears to the Government forests from which hirdas are collected. Applications are to be made annually by the men individually and it should be optional to either side—the applicants and the Forest Department—to accept or refuse renewal. (G. R. No. 567, dated 22nd January 1887.)

12. Hirdas collected at depôts are not immoveable property, and the registering of agreements concerning the sale of hirdas to be collected at depôts is not compulsory. (L. R. No. 593, dated 26th May 1893; *vide* G. R. No. 4382, dated 19th June 1893.)

13. The principle which should govern the action of the officers concerned in the matter of regulating the collection of articles of minor forest produce is that—

I.—Exploitation should be limited—

(1) to articles for which a trade demand exists or for which there is a reasonable probability that such a demand may in time be created, and, in respect of such articles, to localities in which they are produced in sufficient abundance, and which are sufficiently accessible to be worth working;

(2) to articles, such as catechu, the collection or manufacture of which it is necessary in the interests of forest conservancy to keep under effective control.

II.—Except in so far as they may be reserved for exploitation in each district from year to year in pursuance of that principle, the collection and sale of articles of minor forest produce, in open forests, should be left free and unrestricted.

The application of this principle will naturally vary in different districts and in different seasons, and His Excellency the Governor in Council considers that it should be left to the Revenue and Forest authorities of each district to consider and decide in concert each year, before the collecting season begins,

(*a*) what articles in what localities it will be proper to exploit, having regard to local conditions and past results;

(*b*) what arrangements should be made or what conditions imposed, either generally or specially, in order to prevent hardship and secure the greatest benefit to the people employed in collecting.

It should be clearly understood that Government are not anxious to make a revenue from minor produce and that the application of the principle should not be allowed to operate in restriction of any rights or privileges of collection for private use or sale that may have been, or may hereafter be, recognized under due authority.

Any difference of opinion among the district officers should be referred for settlement to the Commissioner through the Conservator. The decision of the Commissioner should be regarded as final.

The arrangements agreed upon, the results of the year, and the progress made in the direction desired, that of creating or extending industries which improve the condition of the forest tribes, should be noticed fully in the District Revenue and Forest Administration Reports for the year, and summarized and compared by the controlling officers for the information and orders of Government.

(G. R. No. 9846, dated 15th December 1892.)

14. *Area of Forest Districts.*—Frequent changes of the area of forest districts are undesirable. (G. R. No. 6489, dated 19th September 1882.)

15. *Karvi.*—Karvi growing in reserved forests should not be allowed to be cut until it has seeded; otherwise this useful plant may become entirely extinct within a not far distant period. (G. R. No. 8633, dated 24th November 1883.)

16. *Mhowra.*—Mhowra tree should be constituted a reserved tree in every protected forest in the Presidency and on all waste lands. This should be attended to wherever it is expedient to check the improper use of mhowra flower. (G. Rs. Nos. 235, dated 10th January 1884, and 8977, dated 14th November 1884.)

17. Orders issued by the Conservator of Forests, N. C., cancelling the reservation of mhowra trees from coupes in the Thána Forests were approved by Government, and the Conservator of Forests, S. C., was directed to issue similar orders as regards those trees in the Kolába District. (G. R. No. 388, dated 13th January 1893.)

18. *Recovery of money due to Government.*—The words in Section 81 of the Forest Act, "all money payable to the Government under this Act or under any rule made under this Act," apply to monies such as duties on timber leviable under Section 39 or fines for cattle-trespass payable under Section 70 or fees for passes prescribed under Section 41, clause (*c*). There must be some express provision of the Act, or of a rule made under the Act, which can be pointed to as the authority under which money is declared to be payable, in order that it may fall within the above words of Section 81.

Certain monies not falling within the above category are also leviable under Section 81. They are:—

(1) Money payable to Government on account of the price of any forest produce; and

(2) Money payable to Government on account of expenses incurred in the execution of the Act in respect of such produce.

These are monies 'payable under the Act' in the same sense in which the Conservator of Forests, N.D., (in his letter No. 4288, dated 5th October 1883,) argued that damages due by a purchaser of the rights of grazing in a forest for breach of the terms on which the right had been allowed were so payable. If, therefore, it had been intended that all money which could in any sense be said to be payable under the Act should be recoverable as an arrear of land revenue, there would have been no reason for expressly specifying in the section the above two special instances.

The conclusion to be drawn from the language of the section is that it is meant to apply only to money which is, properly speaking, 'payable under the Act or under any rule made under the Act' as explained above in paragraph 1, and to money payable under the other circumstances expressly mentioned in it.

Damages to which the purchaser of the grazing of a reserved forest renders himself liable by infringing the conditions under which the grazing was sold to him are not really 'money payable under the Act.' They are payable, if at all, under the terms of the contract with the purchaser of the right of grazing. The proper course for the recovery of such damages, if the purchaser will not pay them voluntarily, is the institution of a suit against him in the Civil Court.

(L. R. No. 645, dated 22nd December 1883; *vide* G. R. No. 239, dated 10th January 1884.)

19. With reference to the marginally quoted remark of the Conservator of Forests, N. D., the following opinion (No. 124, dated 26th January 1884), which was concurred in by Government, was expressed by the Remembrancer of Legal Affairs :—

"5. The marginal note in the Forest Act against Section 81 reads thus: '*Recovery of money due to Government,*' Now in the case submitted, the grazing of a reserved forest was sold to a contractor who was bound under written agreement to pay the amount of any damages which might occur by proceedings or default on his part beyond the stipulations of his agreement. The contractor let in sheep into the reserved forest which he was not entitled to do, and the sheep devoured plants, which a committee, the contractor being a member thereof, valued at Rs. 26. I deferentially submit that this money comes in the words of Section 81 of the Forest Act within the description of '*on account of the price of any forest produce,*' and f the marginal note 'Recovery of money due to Government' is meant to express the intention of Section 81, then the money is, I still think, leviable under that section."

"The 'price' of a thing is the sum for which it is sold, not the value at which a thing may be assessed after it has been misappropriated. Marginal notes are merely a guide to the contents of the sections of an enactment; they are not a part of the law."

(G. R. No. 1422, dated 14th February 1884.)

20. A purchaser of Government timber at auction paid only a portion of the price. The Forest Department took possession of a portion of such timber and sold it by public auction in order to realize the balance of the price. The price fetched at this second sale not realizing all that was due, the Conservator applied to the Collector to realize the

outstanding under Section 81 of the Forest Act, VII of 1878.

The Collector declined on the ground that the balance due was not part of the price but a deficit on re sale for which no provision existed such as in analogous cases under the Land Revenue Code is made by Sections 175, 176 and 177.

The question was raised whether the money could be recovered under Section 81 of the Forest Act as if it had been an arrear of land revenue.

Section 81 provides that money payable on account of forest produce may be recovered as if it were an arrear of land revenue.

Money payable on account of the price does not lose its character by the mere fact that part recovery has been effected under another procedure. If a portion of the price had been recovered as it fell due by civil suit or by auction-sale under the Land Revenue Code, or in any other way, that would not affect the power conferred by Section 81 in respect of the balance.

Section 82 of the Forest Act does not refer to re-sale. It is evidently framed so as to include all cases where money is due under the Act or under the rules, and would cover such cases as are provided for by rules under Section 51 (*c*), and all cases in which money is payable under the Act as duty, fee, royalty, &c.

This accounts for the omission in Section 82 of all reference to deficit and re-sale.

Indeed Section 82 does not treat the sales made by a Forest Officer under its provisions as a re-sale at all. In cases where the Legislature provides for re-sale (*vide* Civil Procedure Code, Section 308, and Land Revenue Code, Section 175) the defaulting purchaser is declared to forfeit all claims to the property or to any part of the sum for which it may be sold.

Section 82 does not do this and does not extinguish the property in the produce sold, but only declares it subject to a charge.

Section 82, therefore, does not operate as a rescission of the sale, but only as one of the means by which money payable for or in respect of produce may be recovered, and balance unrecovered is, therefore, still due on account of price, and does not become due as a deficit on re-sale.

Therefore, such balance of the price is recoverable under Section 81 as if it were an arrear of land revenue, notwithstanding any other steps short of a rescission of the sale that may have been previously taken for recovery.

(L. R. No. 1062, dated 29th September 1888; *vide* G. R. No. 7373, dated 6th November 1888.)

21. The following opinion, No. 388, dated 14th March 1891, was recorded by the Remembrancer of Legal Affairs :—

No 666
23/10/99

HILL STATIONS.*

1. The Government of India have approved of the hill stations of Mátherán and Mahábaleshvar being credited with all receipts from land and houses (excepting income tax), grass and timber, within the limits of the station, as also fines.

The Superintendents of Mahábaleshvar and Mátherán have been appointed Assistants to the District Collectors and Magistrates concerned with the view of vesting them, in all the proceedings devolving upon their office, with full legal authority.

The Superintendents will also have charge of the public dispensaries of the stations.

(G. Ms. Nos. 687 and 688, dated 21st February 1862.)

2. His Excellency the Governor in Council is pleased to appoint the Superintendent of Mahábaleshvar a Deputy Collector under the provisions of Act XXI of 1852 † and to invest him with the powers exercised by a Mámlatdár under Bombay Act V of 1864. ‡ (G. N. dated 14th April 1874.)

† Repealed by the Land Revenue Code, 1879.
‡ Repealed by the Mámlatdárs' Courts Act, 1876.

3. The Superintendent of Mátherán has been declared to be *ex officio* an Assistant Collector by Government memorandum No. 688, dated 21st February 1862, and there is no reason to question his legal competence to discharge any duties attaching to that position under the law for the time being in force. (G. R. No. 5662, dated 5th August 1893.)

4. The appointments of Superintendents at Mahábaleshvar and Mátherán are both to be held for two years only. The appointments should be looked upon as permanent for the time they are held. (G. R. No. 815, dated 27th February 1862.)

In calculating the tenure of Civil Surgeoncies at hill stations, the period during which an officer officiates shall be reckoned if such service is immediately followed by the permanent employment of the officer concerned in the appointment in which he has been officiating.

(G. I., H. D., No. 11—486—498, dated 23rd September 1886; *vide* G. R. No. 7405, dated 19th October 1886.)

A period of 3 years has been prescribed as the maximum term of the office of Superintendent of Hill Stations in the Bombay Presidency in the case of Medical officers who when selected for such posts are holding Regimental or Military Staff Medical appointments. The case of Medical officers serving in the Civil Department who are selected for the Superintendentships of Mahábaleshvar and Mátherán rests upon a different footing. Such officers are allowed, if necessary, to retain their hill appointments up to a maximum period of 5 years. (G. R. No. 7518, dated 24th September 1896; *vide* No. 9748, dated 3rd December 1896.)

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* For orders relating to travelling allowances for journeys to hill stations, see the Chapter of Travelling Allowances.

5. The Superintendents of Matherán and Mahábaleshvar are not always provided with special employment during the monsoon, but when they are, they receive allowances in accordance with the regulations. But even when provided with special employment they are required to perform the duties connected with their appointments as Superintendents of these hill stations, *viz.*, the collecting of revenue, examining and signing all returns, and charge of the treasury, and are generally responsible for the condition of these stations. It is not desirable to withhold the payment to them of the allowance * of Rs. 100 per mensem attached to their appointments, for the period they are temporarily employed elsewhere during the monsoon. (Letter from the Surgeon-General with the Government of Bombay, No. 857, dated 5th February 1889, and G. R. No. 1560, dated 26th idem.)

6. During the interregnum between the vacation of office by one officer and the appointment of another officer to be Superintendent of Mátherán, or when during the rains the Superintendent is employed elsewhere, not being in Bombay, Poona, or Thána, the charge of the current duties of the office, which during the monsoon are purely nominal, should be entrusted to the Assistant or Deputy Collector in charge of the Karjat Táluka. (G. R. No. 9060, dated 29th November 1889.)

7. The non-commissioned Medical Officer appointed to the post of Superintendent of Pánchgani † should be only appointed to the medical charge of the station, and in all other respects he should be considered the local agent of the First Assistant Collector, who should be Superintendent in addition to his other duties.

The First Assistant Collector should visit Pánchgani early in the touring season and issue his directions to the Medical Officer as Local Agent, and in the hot weather the First Assistant Collector should reside during April and May at Pánchgani which he could do without detriment to his general duties, as Wai, the táluka in which Pánchgani is situated, is in his charge, as also is the Jávli Táluka which adjoins.

The Medical Officer will be invested with the powers of a 3rd Class Magistrate for the disposal of any petty complaints which may arise, but in all

* This allowance was sanctioned by the Government of India in their Resolution in the Financial Department, No. 4113, dated 27th October 1869 (G. R., G. D., No. 2805 of 27th November 1869), and is of the nature of a local allowance within the meaning of Article 38 (*a*) of the Civil Service Regulations. It cannot be treated as part of the consolidated pay of the appointments of the Superintendents. It is payable to the Civil Surgeon of the station for the performance of executive duties as Superintendent, and would not be payable to an Assistant Collector appointed temporarily to discharge those duties. (G. I., H. D., No 387, dated 21st May 1896; *vide* G. R. No. 5135, dated 1st July 1896.)

† A station fund for this hill station was formed under Government Resolution No. 603, dated 25th February 1863.

matters of general administration, such as the repairs to roads, planting trees, regulating the bázár, constructing buildings, &c., he should be under the orders of the First Assistant Collector, both being subordinate to the Collector.

(G. R. No. 5363, dated 19th September 1876.)

8. The cost of all supplies of medicines issued for use at the Mahábaleshvar Station should be charged in the proportion of three-fourths to Government and one-fourth to the Station Fund. (G. R. No. 162, dated 6th October 1862.)

9. Realizations from the sale of right of occupancy of sites at Mahábaleshvar should be credited to the Land Revenue of the year. (G. R. No. 1319, dated 24th April 1863.)

10. The charges for the maintenance of the roads for the use of visitors to the hill stations of Mahábaleshvar should be defrayed exclusively from Station Funds. (G. R. No. 228, dated 14th January 1882.)

11. The fees realized from the sale of forest produce of the Mátherán plateau should be credited to the Station Fund. (G. R. No. 3360, dated 1st May 1883.)

12. The Superintendent of Mahábaleshvar should give immediate notice to any person desiring to resign a Government bungalow assigned to him, for the rent of which he is still liable, that the subletting or re-letting of the house is entirely at that person's own risk and that he is held responsible for the rent. (G. R. No. 2259, dated 15th March 1884.)

13. The countersignature of the Collector is not necessary to the bills for contingent expenditure preferred by the Superintendent of Mátherán; the accounts should, however, be examined by the Collector once a year. (G. R. No. 5584, dated 11th August 1890.)

14. As the Mahábaleshvar Station Fund is administered by Government, and the budget estimate is sanctioned by it, the sanction of Government is necessary for any alterations subsequently made therein. (G. R. No. 4148, dated 17th June 1891.)

15. The Commissioner, N. D., is permitted himself to visit Mátherán and to grant similar permission to such officers serving under him in the Northern Division as have enjoyed the privilege before the Karjat Táluka was transferred from the Thána to the Kolába District.

A similar concession is granted to the Superintending Engineer, N. D., and all officers of the Public Works Department serving under him.

(G. R. No. 8618 dated 12th December 1891.)

16. The following are the rules for the Anjanneri Hill Sanitarium:—

1. *Boundaries.*—The hill station comprises the strip of land in the village of Metkilla Anjanneri lying between the scarps of the upper and lower forts from a line drawn

through the north edge of the Brahman Tank on the south to a similar line drawn through the Elephant Howd on the north-west. Both these boundaries are defined by cairns of stones and the land on the further side of each being reserved forest. Permission to pitch tents there can only be obtained from the District Forest Officer.

2. *Management.*—The management of the station is vested in the Assistant Collector for the time being in charge of Nasik Táluka, who is *ex-officio* Superintendent.

3. *Building Sites.*—Land for building purposes can be obtained within the aforesaid limits on conditions which may be ascertained on application to the Superintendent. Without previous permission in writing from the Superintendent, no one can erect any permanent building on the hill station.

4. *Temporary Sites.*—Tents may be pitched or temporary huts erected by visitors on sites allotted or approved of by the Superintendent. Occupation fees shall be charged in such cases at such rates as the Superintendent on consideration of the situation and area may fix.

5. *Penalties.*— The supervision of all sanitary arrangements and provisions is vested in the Superintendent. Under the provisions of Section 19 of Regulation XII of 1827 it is unlawful—

   1. To defile the water of the Station Tank by washing anything in it, or allowing dirty water to flow into it or by allowing cattle to enter it.
   2. To injure the embankment of the said tank.
   3. To wilfully or by carelessness cause any injury to the paths or ascent maintained within station limits.
   4. To allow cattle to graze at large without permission.
   5. To cut wood, shrubs or reeds without a pass from the Superintendent or other duly empowered officer. Save only in cases when it may be necessary to cut reeds in order to clear a pitching site already allotted.
   6. To cause danger by fire to trees, grass or any property on the hill.

Breach of any of the above rules shall be punished with fine or imprisonment in accordance with Section 23 of Regulation XIV of 1827. With regard to clause IV it is to be understood that no animal without express permission is to be brought up to the station unless required for the *bond fide* domestic or personal use of visitors, and that all such animals must be kept from straying in the woods or in the pathways, under penalty of permission to retain them on the hill be-

ing cancelled in addition to any penalty that may be enforced for breach of clause 4.

6. *Forest Produce.*—Reeds and grass, wood, &c., be cut free in the compounds attached to building sites. If required from other parts of the station, a pass must be obtained from the Superintendent for which a fee will ordinarily be charged.

Posts and rafters for out-houses on the hill will be obtained on application to the Superintendent. Such applications to specify the amount and description required and must be sent in one month before being required in order to give time to provide them. Firewood will also be obtained on passes supplied by the Superintendent. Fees will be charged for these passes as also for posts and rafters and reeds at rates which may be learnt on application.

Without express permission from the Superintendent it is strictly forbidden to cut down any trees in station limits. The village officers have been ordered to report any breaches of this rule, of which immediate and severe notice will be taken.

The grass within station limits, including the spur running north, will be sold annually by the Superintendent, to whom application must be made before the 1st October of each year.

7. *Station Funds.*—All monies received as pitching fees under paragraph 4, penalties under paragraph 5 and fees for wood or reeds, posts, &c., under paragraph 6, shall be credited to the Hill Station Fund * and expended under the direction of the Superintendent.

(G. R. No. 2459, dated 3rd May 1881.)

17. The Collector of Sátára is authorized to dispose of, without reference to Government, cases in which leases of land at Mahábaleshvar are forfeited in consequence of the lessees failing to comply with the terms thereof. (G. R. No. 409, dated 10th February 1863.)

18. As far as security of tenure goes, the occupant of a site at a hill station should be dealt with on the same terms as rayat holders under survey leases. There is no objection to all building leases granted to improving settlers at hill stations being renewable leases, provided that such renewable leases are limited to allotments of five acres each, the object being to make the most of the limited areas available for European habitation, and to prevent all the available land being monopolized by single owners. (G. R. No. 2718, dated 18th July 1864.)

* This Fund is to be treated as an Excluded Local Fund and subjected to the audit of the Accountant General. (G. R. No. 7793, dated 9th October 1895.)

19. The fees levied for the execution or renewal of leases of property at Mahábaleshvar should be credited to the Station Fund. (G. I., F. D., No. 1194, dated 5th July 1865; *vide* G. L. No. 3269, dated 28th July 1865; *vide* also G. R. No. 2265, dated 29th May 1865.)

20. Under instructions from the Government of India, His Excellency the Governor in Council is pleased to cancel the notification dated the 17th October 1876, published at page 956 of the *Bombay Government Gazette* of the 19th idem, declaring "that the land tax on properties situated at Mahábaleshvar shall be redeemable under the rules in force for the time being for the redemption of land revenue, subject to the restrictions in force at Mátherán, as regards cutting down trees," and specifying those restrictions.

In future, under orders * from the Government of India, redemption of land tax on properties at all hill stations of the Bombay Presidency will not be allowed at all. (G. N. dated 24th October 1877; *vide* G. R. No. 6367 of the same date.)

21. In the case of the holder of a leasehold property at Mahábaleshvar wishing to include in his lease a piece of station land close to his property and sold to him by the Superintendent at a public auction, one of the two following courses should be followed:—

(1) a separate lease should be granted to the lessee for the additional land, to expire at the same time as the existing lease and to be in precisely the same form as the existing lease, only striking out such clauses in it as may be inapplicable to the circumstances; or (2) the lessee should surrender the existing lease on receiving a fresh lease of the whole land.

(L. R. No. 329, dated 20th March 1879; *vide* G. R. No. 1662, dated 26th idem.)

22. The Land Revenue Code Rules apply only to leases and grants of occupancies which have been made since they were framed and have no restrospective effect. The rights of a lessee of land at Mahábaleshvar are ascertainable from his lease. A leaseholder has no proprietary right in the soil and, therefore, no right to the minerals or trees. His rights are such only as his lease conveys to him. (L. R. No. 501, dated 18th April 1883; *vide* G. R. No. 3482, dated 5th May 1883.)

23. The following opinion of the Remembrancer of Legal Affairs, No. 1075, dated 14th August 1884, was communicated for information and guidance to the Collector of Sátára and the Commissioner, C. D., in connection with an application regarding the renewal of the lease in respect of certain property at Mahábaleshvar:—

* *I. e.*, G. of I. letter No. 896, dated 5th December 1876.

"It is not necessary to the validity of the lease that it should be sealed, and sealing is not in accordance with native custom. But as the document purports to be sealed by the lessees, it is advisable, I think, that it be returned to them with a view to their seals being attached thereto. Or a fresh lease might be sent to them for execution in which the word 'seal' in the last line but two and the word 'sealed' in the last line are struck out. I would recommend the omission of these two words in all future similar leases."

(G. R. No. 6916, dated 28th August 1884.)

24. The Collector of Kolába is authorized to act in behalf of the Collector of Thána in all matters relating to Mátherán leases.* (G. R. No. 8618, dated 12th December 1891.)

25. The following draft form of the administration report of the Mátherán Hill Station was approved by Government and ordered to be adopted for all hill stations. It was further directed that the report should also contain information under the following further headings:—

Under Building Sites—
(*a*) Leases expired,
(*b*) " renewed,
(*c*) " under consideration,
Thermometer and hydrometer readings,
Conservancy,
Roads,
Road-side trees,
Agricultural experiments,
Government bungalows,
Treasury transactions,
Changes in office and fixed establishments,
Police arrangements—
Crime,
Cemetery,
Church
Markets,
Taxes—
(*a*) New,
(*b*) Abolished,
(*c*) Modified,
Survey,

and that such of the headings of the report as were not applicable to any particular hill station, might be omitted from the report for that station.

(*Draft form of report*).

No. of 18

From

SUPERINTENDENT,

Mátherán;

To

COLLECTOR OF THA'NA.

Superintendent's Office,
Mátherán, _____ 18

Sir,

I have the honour to forward the annual report on the administration of the hill station of Mátherán for the financial year 1882-83. I was in charge of the hill station during _____ of the year under report (if in charge during a part of the year, state the period and name of the officer who previously held the office).

* A form of leases for sites at Mátherán was sanctioned by Government Resolution No. 4698, dated 16th June 1856.

Season and Rainfall.

Rainfall.	
Average of preceding five years.	Current year.
Inches. Cents.	Inches Cents.

2. The fall of rain during the year 1882-83 was more by—— inches (or less as the case may be) than in the preceding year and less (or more as the case may be) by —inches than the average fall of the preceding five years. The monthly fall and the temperature during the year is exhibited in the Appendix marked A. There is no rice cultivation on the hill. The only crops grown thereon during the cold or hot weather in small patches of ground by a few Chinese (or other castes, mentioning them) being vegetables consisting of ———. The produce is locally consumed by the visitors of the hill.

Population.

3. There is scarcely any permanently resident population on the hill; a few mális or servants of the owners of the bungalows, the Hospital Assistant, the Head Constable and the Constables under him and the Superintendent's Office peon being generally the only persons on the hill during the monsoon. The hill is visited (here mention the seasons and give any particulars thought necessary or interesting about them).

Public Health.

4. The amount of relief afforded by the Dispensary as compared with the preceding year shows an increase (or decrease as the case may be) of ———in-patients and of———out-patients. The total number of patients treated under each class being

	In-patients.	Out-patients.	Total.
1882-83...			
1881-82...			

The state of public health during the year under report was (state here whether satisfactory or otherwise) fever, small pox (or any other disease as the case may be) prevailed to (slight or large extent).

5. The subjoined table exhibits the total comparative mortality during the year:

Disease.	1882-83.	1881-82.	More.	Less.
Cholera				
Fever				
Small-pox				
Bowel complaints ...				
Other causes... ...				
Total...				

The causes of the increased (or decreased) mortality may be attributed to (here state causes).

[*Note*.—The subject of water-supply should be referred to in a separate paragraph under "Public Health."]

6. The progress of vaccination during the year under report is shown in the margin and indicates an increase (or decrease as the case may be) of ——— in primary and of in re-vaccination.

	1882-83.	1881-82.
Primary...		
Re-vaccination. ...		

Rates of Wages and Prices.

7. The rates of wages for skilled and unskilled labour and of hire for conveyances were as given below :—

Year.	Wages per diem.		Per trip up or down the Hill.		
	Skilled.	Unskilled.	Horses.	Palanquin.	Toujon.
1882-83....					
1881-82....					

8. There has been a rise (or fall as the case may be) in the prices of each of the articles mentioned in the margin which are the staple common food of the station. The articles of food are imported into the station by dealers from The rise in the price of wheat (or any other article as the case may be) is attributed to (here state the cause). A weekly bázár (Sunday) is held on the hill.

Articles.	Quantity per Rupee per standard seer.	
	On 31st March 1883.	On 31st March 1882.

Building Sites.

9. There are —— building sites marked off into Nos. Of these —— are unoccupied and —— occupied. The gross annual rent payable for the latter amounts to Rs. ———. The assessment of ——of the occupied sites has been fixed at Rs. 7 per acre sanctioned in Government Resolution No. 2310 of the 4th May 1878, Revenue Department, and that of —— sites has been fixed at Rs. 5 per acre, being the old rent fixed under the old leases still current. During the year under report —— additional sites were applied for and taken up at the sanctioned rate of assessment. The occupancy right thereof was sold by public auction, which realised Rs. —— (if the occupancy right was sold on payment of fixed price, state amount paid.) No sites were resigned by occupants or resumed by Government in consequence of breach of the terms of the leases on which they are held. Of the —— occupied sites mentioned above —— have been built on. The rent of the bungalows varies from Rs. —— to Rs. —— per cold season and

from Rs. —— to Rs. —— in hot season. There is scarcely any demand for building sites on the hill (if otherwise state so).

Revenue.

10. The revenues of the Station Fund are obtained mainly from (1) the annual fixed Government grant, (2) the annual rent paid by site-holders and (3) the road toll. Appendix B details the various items of annual receipts. The receipts during the year under report aggregate Rs. —— which compared with the result of the preceding year show a falling off of Rs. —— (or an increase as the case may be) owing to ——————

[*Note.*—All the information necessary as regards the income levied under the Municipal Act or apart from that accruing from the Station Fund can be given in the appendix referred to in this paragraph, and be duly reviewed in paragraphs 11 and 12.]

11. The outstanding balances amount to Rs. —— detailed in the subjoined table.

Years.	On account of rent of building sites.			On account of other miscellaneus items.			Total.			Causes of the outstanding balances.
	Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.	
1882-83 ...										
1881-82 ...										
and previous years (if any).										

Expenditure.

12. The total expenditure during the year under report amounted to Rs. —— as against Rs. —— of the preceding year, showing an increase (or decrease as the case may be) of Rs. —— owing principally to —— . It will be seen from the Appendix C that the chief ordinary charges on the Station Fund are the salaries of the Hospital Assistant, the Superintendent's office establishment and the Police guard, and the expenditure on account of petty repairs and miscellaneous local improvements.

13. The only public work of importance executed or undertaken during the year under report was that of ———— the cost of which is estimated at Rs. ——

14. The loan of Rs. —— obtained from Government in —— to defray the expenditure on account of —— is in the course of liquidation by half-yearly instalment of Rs. —— . The total instalments paid up to the end of the year under report amount to Rs. ——

Magisterial.

15. During the year under report there were —— cases tried by me in my capacity as 3rd Class Magistrate. The following table shows the number of persons dealt with and the result of the trial :—

Year.	No. of offences.	Total number of accused persons dealt with.	No. of persons acquitted or discharged.	No. of persons convicted.	No. of offences in which imprisonment was awarded.	No. of offences in which imprisonment as well as fine was awarded.	No. of offences in which fine alone was imposed.
1882-83.							
1881-82.							

The majority of the crimes committed were trifling offences such as assault, intentional insult, criminal force, mischief, petty thefts, &c.

[*Note.*—This paragraph should show not only the magisterial work of the Superintendent but also of the 3rd or other class Magistrate resident at the station. The work of such officer should be given separately, so as to be readily distinguishable.]

Education.

16. There is a vernacular school on the hill station towards which the Station Fund contributes an annual sum of Rs. ——. The boys attending the school belong chiefly to the —— castes. The average daily attendance is ——. I inspected the school —— times and found the progress of the boys satisfactory (if otherwise state so).

17. General remarks.

I have, &c.,

Superintendent,

——— Mátherán.

APPENDIX A.

Table showing the temperature and rainfall on Mátherán Hill during the year 1882-83.

Months.	Temperature.			Rain.		Remarks.
	Maximum	Minimum.	Mean.	Inches	Cents.	
April 1882.						
May ,,						
June ,,						
July ,,						
August ,,						
September,,						
October ,,						
November ,,						
December ,,						
January 1883.						
February ,,						
March ,,						
Total ..						

Mátherán, ——— *189* .

Superintendent, Mátherán.

APPENDIX.

Annual statement of Mátherán Station Fund receipts

Year.	1881-82.	1882-83.
Opening balance.		
Government grant.		
Annual rent paid by site-holders.		
Rent of Bazár huts and shops.		
Fees for stalls paid by shop-keepers at Sunday bazar.		
Fees for cattle grazing.		
Fines for cattle impounded and other fines.		
Fees on account of Sweeper Tax received from shop-keepers, coolies and other persons employed on the hill.		
Fees for tattoos going up or down the hill.		
Receipts for medicines sold to applicants.		

Mátherán, _____ *18* .

APPENDIX

Annual statement of Mátherán Station Fund expenditure

Year.	1881-82.	1882-83.
Hospital Assistant's pay.		
Hospital Assistant's grain compensation.		
Regular peon establishment, including Chaudry, Mucaddums and Mális.		
Extra Police paid for from Station Fund, including the cost of clothing.		
Temporary establishment of collection of fees, &c.,		
Scavenging establishment, such as sweepers, for 9 months in the year.		
Cost of supply of European medicines, &c., for the dispensary.		
Cost of supply of country medicines, &c., for the dispensary.		
Contingent charges.		

Mátherán, _____ *18* .

B.

for the year 1882-83 as compared with 1881-82.

Proceeds of firewood supplied from the Depôt to visitors, &c., on the hill.	Sale-proceeds of copies of Hill maps and Bellasis account of the Hill Station.	Contract for collection of chikkai and bardas.	Fees recieved from Bhoras or hawkers on the hill by the season.	Amount of contract for Ghát toll collection.	Registration fees of Bhistis, bullocks on the hill.	Hire of tonjons belonging to the station.	Rent for Superintendent's house.	Conveyance merriek carts.	Fees levied on palkees, tonjons plying up or down the hill.	Total.

Superintendent, Mátherán.

C.

for the year 1882-83 as compared with 1881-82.

Cost of firewood purchased for the Depôt.	Contribution for the Vernacular School.	Contribution towards the establishment in the Accountant-General's Office.	Expenditure on account of repairs to Bazar shops.	Expenditure on account of *bond fide* public works.	Expenditure on public works carried out by the Executive Engineer.	Total.	Closing balance.	Grand Total.

Superintendent, Mátherán.

26. Superintendents of hill stations are not concerned with forest conservancy and need not, therefore, report on the subject in their annual administration report. (G. R. No. 2753, dated 1st April 1885.)

27. The annual administration report for the sanitarium of Mátherán should be submitted by the 1st October. (G. R. No. 9384, dated 21st December 1883.)

28. It is left to the Commissioner, C. D., to dispose of the annual administration report of the hill station of Pánchgani. (G. R. No. 4771, dated 5th July 1886.)

No 667
23/10/89

HORSES, MULES AND CATTLE.

PART I.—Civil Veterinary Department.

1. The Horse-Breeding Department with the Veterinary officers therein employed was transferred from the Military Department to the Department of Revenue and Agriculture, with effect from the 1st October 1889.

In order to guard against any changes of system with respect to the mode of horse-breeding as affecting the interests of the Army, the Military Department will be consulted regarding the proceedings of the Revenue and Agricultural Depart ment in the matter of horse-breeding, and no radical changes in such matters will be made without reference to the Military Department. Further, in view of the great extension now in course of taking place of the purchase of country-breds for army remounts, such purchases now comprising young stock from six months old and upwards, and in view also of the breeding operations contemplated with the remount fillies before they are passed into the ranks, it will be necessary that the Horse-Breeding and Remount Departments should conduct their business in close and cordial co-operation with each other.

The supply and first distribution of stallions imported for military purposes and charged against the army estimates, and all correspondence connected therewith with Her Majesty's Government will be conducted in the Military Department. The Inspector-General, Civil Veterinary Department, will continue to correspond with the Military Department in regard to this business, as well as in matters relating to the employment of stallions for army remount purposes and other business in which the Army Remount Department is interested, and it will be his duty to supply the Military Department with all information called for from time to time.

(G. I., M. D., No. 4033, dated 21st September 1889; *vide* G. R. No. 8316, dated 31st October 1889.)

2. The Government of India, in dealing with the scheme for a Civil Veterinary Department, has no intention of interfering with or controlling the action which has been or may be taken in any province for the establishment of a Provincial Veterinary Department, except so far as the operations of the Department are connected with the purchase and treatment of Government stallions supplied for military purposes which are and will continue to be charged against Imperial revenues.

The Government of India has decided to retain as an Imperial officer the Inspector-General, Civil Veterinary Department, chiefly for the purpose of dealing with all matters connected with military requirements including the inspection of military stallions, &c., and partly as a consulting officer on all matters of general administration which the Government of India may be required to

deal with in communication with Local Governments. Otherwise than in connection with purely military requirements, he will have no direct control over, nor, except so far as may be desired by Local Governments and Administrations, any direct communication with Provincial Veterinary Officers. His duty in the provinces will be confined to submitting, with the permission of the Local Government, such information or advice to the provincial authorities as may be considered useful to the interests of the administration, especially in connection with the treatment of cattle-disease and the promotion of horse and cattle-breeding, on which subjects it is desirable to bring to the notice of the proper officials in each province the results of experience obtained in other parts of India. (G. I., R. & A., No. 80 H. B. 29-5, dated 18th October 1889; *vide* G. R. No. 6287, dated 5th September 1890.)

3. The civil or staff allowance, as well as the military pay of Veterinary officers, is an Imperial charge. But any supplementary allowance or contingent expenditure, such as purchase of tents, travelling allowance, and the like, should not be charged to Imperial revenues. Imperial military interests are no doubt indirectly benefited by the encouragement which the establishment of the Civil Veterinary Department may be expected to give to horse-breeding, but the chief gain is either of a provincial or local character, and the Government of India cannot recognize any liability for any portion of provincial civil veterinary expenditure beyond that which it has already accepted in the communications announcing the Secretary of State's sanction to the scheme. (G. I., R. & A., Nos. 977-1, dated 11th May 1892, and 14-68, dated 25th March 1893; *vide* G. Rs. Nos. 4992, dated 15th June 1892, and 2857, dated 22nd April 1893.)

4. The Director of Land Records and Agriculture should be the controlling officer of the Civil Veterinary Department for the purpose of Article 1287 of the Civil Service Regulations.

Whilst the Superintendent, Civil Veterinary Department, is the head of his branch of the Civil Veterinary Department, the Director of Land Records and Agriculture is the head of the entire Department, save as regards the responsibility of the Superintendent in connection with purely military requirements. With that exception correspondence relating to the Department should accordingly come to Government through the Director of Land Records and Agriculture.

(G. R. No. 4519, dated 3rd July 1891.)

5. Horse-breeding operations in the Province of Sind have been transferred to the charge of the Superintendent, Civil Veterinary Department, Baluchistan, under the direct control of the Inspector-General, Civil Veterinary Department, with effect from 1st April 1898. (G. I., R. & A., No. 1868-66-2,

dated 16th December 1897; *vide* G. R. No. 261, dated 11th January 1898.)

(2) The official designation of the Superintendent, Civil Veterinary Department, Baluchistan, should be changed to Superintendent, Civil Veterinary Department, Baluchistan and Sind. So far as the duties other than those connected with horse-breeding operations in Sind are concerned, the Superintendent, Civil Veterinary Department, Baluchistan and Sind, should be subordinate to the Government of Bombay and correspond direct with the Commissioner in Sind and the Director of Land Records and Agriculture. (G. I., R. & A., No. 2234-29-15, dated 27th October 1898; *vide* G. R. No. 1877, dated 13th March 1899.)

6. The following instructions are issued for guidance as to the general duties of the officers of the Civil Veterinary Department:—

(1) The Inspector-General of the Civil Veterinary Department will be permitted to correspond direct with local Governments and Administrations or such officials subordinate to them as they may authorize for this purpose, and to submit to the local Governments for consideration and orders, without reference to the Imperial Government, notes and suggestions on all subjects connected with the Department, except in those cases in which important questions of principle are raised, or in which the sanction of the Government of India is, under the rules of administration, requisite.

(2) The duties of the Civil Veterinary Department will be classed under three major heads—

Horse-breeding.

Animal-disease.

Instruction.

Horse-breeding.—This subject was dealt with in circular No. 18, dated 25th May 1892, shown as an appendix hereto.

(3) *Animal-disease.*—Under this heading are included all matters relating to the medical treatment of animals suffering from disease, accidents, or other causes; to the prevention and cure of disease in animals; and to the general management of them. The term 'animals' will, for the purposes of this Resolution, be held to include all animals kept for agricultural or industrial purposes, such as cattle, sheep, goats, horses, mules or camels.

(4) The officer to whom, in the *Gazette of India* dated 15th October 1892, the title was accorded of "Superintendent, Bacteriological Survey," has now been gazetted as "Assistant to the Inspector-General." He will superintend the animal-disease branch of the central office, and will, under the control of the Inspector-General, deal with all subjects connected with animal-disease. He will be permitted to place himself in direct communication with civil veterinary officers. His main duties will be—

(i) to collect, collate, and circulate information and statistics regarding animal-disease;

(ii) to publish, from time to time, manuals regarding the treatment of animal-disease and cognate subjects;

(iii) to assist the Imperial Bacteriologist in obtaining such special information as he may require regarding the more virulent and contagious diseases, and to procure the assistance of the provincial veterinary officers in supplying him with specimens of virus, tissues of diseased animals, etc.;

(iv) to communicate to provincial officers information regarding the treatment of animals with vaccines, and to instruct them as to any new methods of treatment which it may be considered desirable to introduce;

(v) to visit, with the permission of Provincial Governments, each province, for the purpose of conferring with local veterinary officers regarding the treatment of animal-disease and cognate subjects, and of submitting reports and suggestions in connection with the objects of the Bacteriological Survey and with the treatment of animal-disease; for the consideration of the Government of the province;

(vi) to collect, collate, and circulate information regarding the various breeds of cattle and other animals in India, and, if required, to arrange for the supply of stock cattle for breeding farms.

(5) The Government of India will allow each local Government and Administration to determine, subject to the following instructions, the duties of the civil veterinary officers* attached to the province, and to decide from time to time what measures can be adopted or proposed for the prevention of animal-disease.

(6) His Excellency the Governor General in Council, as at present advised, is disposed to believe that in most provinces it would be premature to attempt to establish any system of dealing with animal-disease which would involve coercion or interference with owners of cattle or other animals. In the hope that for the more virulent and contagious diseases vaccines may be discovered, which can be employed without offending the prejudices of the people, it will, in his opinion, be preferable to await the results of the bacteriological investigations now set on foot, and in the meantime to confine action to distributing information and advice regarding the sanitary or other precautions which the people can take for themselves.

(7) The circumstance must not, however, be overlooked that, independently of virulent and contagious

* Officers transferred from the Military Department are for the purposes of this Resolution termed 'Civil Veterinary Officers.'

epidemics, there are numerous diseases and accidents to which animals are subject, which can be prevented, mitigated, or cured, by ordinary treatment, and which in themselves afford a large and important field for the operations of the civil veterinary establishments. It is necessary, therefore, that a careful investigation should be made as to the character of all diseases, whether of an epidemic character or not, which occur or are prevalent in each district of the province; as to the method of treating them usually adopted; as to the results obtained from the treatment; and, generally, as to all circumstances connected with the occurrence and present treatment of animal-disease. One of the principal duties of the civil veterinary officers of the province will accordingly be to conduct an investigation of the nature described, and to communicate to the Assistant to the Inspector-General such information as that officer may require for the purposes indicated in clauses (i) and (ii) of paragraph 5.

(8) In other respects the main duties of veterinary officers in connection with animal-disease will be, under such orders as may be issued by the Local Governments, to organize and inspect the subordinate staff; to issue instructions as to the treatment of ordinary diseases; to advise as to the precautions to be taken in the case of contagious diseases; and to submit reports on all matters connected with the treatment of animal-disease.

(9) The civil veterinary officers will also be required—

(i) to telegraph the outbreak of any serious epidemic disease to the office of the Inspector-General, Civil Veterinary Department, who will inform his Assistant and the Imperial Bacteriologist, so that, if necessary, one or both of these officers may visit the locality for the purpose of taking observations and examining affected animals;

(ii) to make from time to time, in accordance with the general directions of the Imperial Bacteriologist, such microscopic examinations as without interfering with other duties can be made by them;

(iii) to forward such specimens of tissues, &c., of diseased animals as may be required by the Imperial Bacteriologist.

(10) The question of establishments, subordinate to civil veterinary officers, was alluded to in Government of India circular No. 80 of the 18th October 1889.

The Government of India are not in a position either to dictate what should be the strength of the establishments, which must vary with the conditions and financial circumstances of each province, or to give definite sanction to any general scheme for subordinate establishments until the views and wishes of local Governments and Administrations

have been received. But, as at present advised, the Governor General in Council is of opinion that the aim should be to equip each district in course of time, and as circumstances permit, with a sufficient number of trained veterinary assistants or inspectors, whose duties will be—

(*a*) to report periodically the occurrence or existence of any animal disease;

(*b*) to make special and immediate reports of outbreaks of serious disease;

(*c*) to advise owners as to the precautionary measures which should be taken for protecting their animals against contagious disease;

(*d*) to control the import and export of diseased animals from or to other provinces or countries;

(*e*) to treat ordinary disease;

(*f*) to advise owners as to the treatment of ordinary disease;

(*g*) to carry out instructions received for the treatment of contagious disease.

(11) The civil veterinary officers should, in the opinion of the Government of India, be made responsible for inspecting and reporting on the work of all veterinary subordinates. In some provinces a plan has been adopted of employing veterinary assistants under the Court of Wards, Municipalities, and District Boards, their salaries being provided from the wards' estates or from municipal or local funds. His Excellency the Governor General in Council considers that this system has many advantages; but that it should not be allowed to preclude the provincial veterinary officers from inspecting and reporting on the work of subordinates so employed.

(12) *Instruction.*—The Government of India have in their despatch to the Secretary of State, No. 82 of the 21st October 1891, on the organization of the Civil Veterinary Department expressed their desire that for some time to come no attempt should be made to provide high class veterinary instruction in any province except in Bombay and the Punjáb, where veterinary colleges have already been established.

There appears to be at present but little opening for native practitioners who have received a high class diploma, otherwise than in Government service. The number of men who can be so employed is too small to justify the establishment of an expensive educational institution in every province. The facilities of communication now existing will render it easy for those veterinary students who may wish, or may be required, to obtain a high class diploma to pass their examinations at Lahore or Bombay. A parallel case is that of Forest students, who are sent from all provinces in India, except Bombay, to receive instruction at the Dehra Dún Forest School.

(13) On the other hand, second class instruction should, in the opinion of the Government of India, be provided in every province of such a character as to fit the subordinate employés of the Department for the duties enumerated in paragraph 11. With the permission of Local Governments and Administrations the Inspector-General of the Civil Veterinary Department and his Assistant will in the course of their tours be invited to submit advice and suggestions as to the subjects in which veterinary subordinates require instruction. Provincial veterinary officers should, moreover, be placed in a position in which they can guarantee the qualifications of candidates for employment, on the efficient performance of which the results of their own administration must depend. In other words, the system of instruction should be based upon the advice of the responsible veterinary experts.

(14) The Civil Veterinary Department in every province will, under such orders as may be issued by the Local Government, be subject to the general control and supervision of the provincial department of Agriculture, and in the annual report of that department the operations of the Veterinary Department should be briefly noticed.

(G. I., R. & A., No. 26—133, dated 4th July 1893; *vide* G. R. No. 5755, dated 9th August 1893.)

Appendix (Vide *para. 3 of the Resolution of the Government of India, No. 26—133, dated 4th July 1893*).

"In Military Department Resolution No. 4033-D., dated 21st September 1889, by which the Horse-Breeding Department was formally transferred from the Military to the Department of Revenue and Agriculture, it was laid down that no change would be made in the control by the Military Department over the supply and distribution of stallions purchased by the Imperial Government, and that the Military Department should be uniformly consulted regarding the proceedings of the Civil Department in matters connected with horse-breeding. These instructions remain unaltered. In issuing the present circular His Excellency the Governor General in Council has no intention of suggesting any interference or modification of the arrangements hitherto in force, but desires that the previously restricted efforts of the Military Department should be largely supplemented and supported by a serious attempt on the part of the Civil authorities to extend and improve horse-breeding in those parts of India in which favourable conditions exist. The Government of India are confident that the sympathy of Local Governments and Administrations will be given to an object which is of such considerable importance to national interests.

"2. The duties of the new Civil Veterinary Department, which is, it must be remembered, primarily an expansion of the Horse-Breeding Department, may, so far as they are concerned with horse-breeding, be thus enumerated—

I.—Distribution of stallions purchased by the Imperial Government.

II.—The registration of mares.

III.—The selection and branding of mares.

IV.—The elimination of unsound or diseased animals from the list of selected mares.

V.—The inspection of stallions.

VI.—The supply of district stallions (including under this term stallions maintained from provincial funds, and by municipalities, local boards, courts of wards and zamindars).

VII.—The elimination of inferior sires.

VIII.—The registration of the produce of both Imperial and district stallions.

IX.—The instruction of breeders in an effective and economical system of horse-breeding.

"3. The most important of these duties, and the one in which the new department especially requires the aid and direction of the local authorities, is that which is referred to under head VI. There can be no doubt that the main direction in which for some years to come the indigenous breed of horses will be susceptible of improvement lies in the increased supply of a better class of stallions and in the elimination of inferior sires. This will involve the supplementing of the stallions purchased by the Imperial Government by district stallions, *i.e.* stallions provided from provincial, local, or private sources. At the same time it is very desirable that the veterinary officers should be assisted and supported, so far as may be practicable, in the performance of their other duties. The actual methods and practice which may be adopted to this end in each province must be left to a great extent to be worked out and developed under the instructions of Local Governments; but His Excellency the Governor General in Council considers that it will be useful to suggest briefly the main directions in which it may be possible that material and practical assistance may be given to the professional officers directly responsible for the promotion of horse-breeding operations.

I.—Distribution of Imperial stallions.

"4. In connection with the distribution of Imperial stallions a direct responsibility will now be placed upon divisional and district officers, firstly, to ascertain whether in the area under their administrative control there is likely to be an efficient demand for the services of an Imperial stallion; and, secondly, to indicate as far as possible the class of mares for which it is demanded. The Agricultural Department will be required to assist in this duty. The information obtained will be placed at the service of the Military Department, which will finally control the distribution of stallions.

II.—Registration of mares.

"5. In order to provide material for forming a judgment on the requirements of a district for Imperial as well as for district stallions, the subordinate establishments should be required to maintain registers of the mares, whether branded or unbranded, in each administrative circle. There will, perhaps, be no more difficulty involved in preparing and keeping up registers of this kind than in maintaining registers of crops. The area under each village accountant, whose duty it is to keep crop registers, is believed not to exceed, as a rule, two or three square miles, while over every 40 or 50 of these registering officials there is now a responsible 'circle supervisor,' who by his position and educational qualifications will be ordinarily competent to submit an intelligent report on the general character of the mares registered in his circle. These officials may be assisted in their duty by the trained veterinary inspectors who are already, in some provinces, being distributed over the districts, and will, it is presumed, be gradually provided in others. The precise rules under which these officials will co-operate with the circle supervisors must be left for the consideration of the Local Governments concerned; but there seems no *primâ facie* reason to believe that efficient registration and intelligent reports on the number and general quality of the mares in each district cannot through the agency indicated be gradually obtained.

"6. The selection and branding of mares are duties which will specially devolve on the professional officers, but which will to some extent be facilitated by the registration contemplated in the preceding paragraph.

III.—Selection and branding of mares.

7. The elimination of unsound or diseased animals from registers of branded mares will be materially facilitated by returns from village accountants and their supervisors. At present many animals that have either died or been removed from the district are, through the want of an adequate registering staff, maintained on the registers long after the date of their disappearance; and it has often been urged that the record of results based on imperfect registration is seriously misleading. Such a contingency should now never recur. It is also suggested that through the influence of district officers measures may be taken to facilitate the work of the professional officers in the elimination of unfit animals from the lists by maintainining annual or biennial gatherings of all the branded mares of each district or sub-division. The experiment is already under trial in some districts in Northern India. If the system proves successful, the question might be considered whether the owners of any mares brought up for branding should not be required to agree to a condition to produce them so long as they are in the district, at the periodical gatherings.

IV.—Elimination of unfit animals from the register.

"8. Local Governments and Administrations are invited to consider whether the inspection of stallions may not now be made the duty of all responsible district officials on tour, as well as of resident native sub-divisional officers. This supplementary inspection would not relieve the professional officers from the duty which now rests upon them of periodical inspection, but would aid them materially in maintaining a knowledge of the condition of the stallions and of the care with which they are kept. The direct responsibility thrown upon the resident officials to prevent the access of uncertificated mares to the Government stallions located within the area of their administration would do much to diminish, though it may not entirely eliminate, one of the most serious causes of the deterioration of stallions and of unsatisfactory results.

V.—Inspection of stallions.

"9. As already intimated, the Government of India believe that an increase in the number of district stallions will, in the end, prove to be the most important step that can be taken towards the ultimate improvement in the quality of the horses of the country and in the number of remounts available for the army. The general standard of indigenous stock in India requires to be materially raised before it can be expected that any large number of suitable mares will be forthcoming. It is admitted that there is now considerable difficulty in obtaining brood mares of sufficient quality to put to imported stallions, and that this is due to the fact that the general standard of country-bred stock has not at present reached a sufficiently high level. It is clearly a waste of money to introduce a large number of first class sires into the country unless there are forthcoming a proportionate number of mares of adequate size and breeding to be served by them. The increase in number of better bred dams is accordingly a matter of primary importance. Under the present system all the best mares are absorbed for army purposes, the number produced by the imported stallions being too few to admit of any large margin being available for horse-breeding purposes. The aim which His Excellency the Governor-General in Council holds in view in advocating the maintenance of cheaper or 2nd class stallions by local and municipal authorities or by the richer landlords, to whom in this respect Courts of Wards may usefully give an example, is the gradual improvement in the general quality of what

VI.—The supply of district stallions.

may be called the lower strata of the horse supply of the country. This policy is one which neither has been nor can be to any material extent promoted by military officers. It must be guided and directed by the civil authorities. In one or two districts of Northern India a large number of stallions have within the last few years been located by municipalities, district boards, managers of wards' estates, and leading land-owners. It is admitted that equal results cannot be expected from all districts, in some of which the civil officers will take no strong personal interest in the matter, while in others local funds or rich land-owners will not be forthcoming. But there can be little doubt that a very material impulse will be given in the direction indicated by the onus which will, if the instructions suggested in this circular are adopted, be laid upon civil authorities to exert their influence in obtaining the co-operation of the native community in a measure which will be of considerable benefit to themselves as well as to the State.

VII.—Elimination of inferior sires.

"10. The elimination of inferior sires is a measure which many authorities consider to be essential to the general improvement of the horses of India. The subject was one of those discussed at the Poona Conference. It involves some difficulties, as the measure would entail the compulsory gelding of stallions considered unfit to be used as sires, and would in some parts of India be opposed to the prejudices of the people. It would also, unless carefully carried out, tend to an undue diminution of the number of ponies and horses in the country. But the Government of India are anxious that the question should receive special consideration, and that it should be made the subject of practical experiment in selected districts.

VIII.—Registration of produce.

"11. The registration of the produce of both Imperial and district stallions is a matter in which considerable assistance can be given by the civil establishments, and is one to which the Military Department attaches much importance. One of the most serious defects in the existing system has been the impossibility of tracing the produce of mares covered by Government stallions or of accurately ascertaining the number of cases in which no produce has resulted. This would be, to a great extent, effectually remedied by the system of registering mares already advocated, and which with little additional trouble could be extended to the registration of produce. The details of the system must of course be worked out by provincial authorities. It could, however, be doubtless arranged that the visit of every mare to a Government or district stallion should be recorded by the subordinate official in charge of a stallion and that the village officer should be required to enter in his diary the occurrence of births in, and the removal of mares or produce from, his circle, and any other cognate circumstances which it may be desirable that he should note. Periodical returns would be submitted by him to the circle supervisors and by them to the district and divisional authorities, the whole being eventually collated and reviewed by the veterinary officers and the Agricultural Department of the province.

IX.—Instruction in horse-breeding.

"12. The Horse-Breeding Department has already taken a strong lead in the direction of affording instruction in a sound and economical system of horse-breeding. Mr. Hallen, the Inspector-General of the Civil Veterinary Department, has introduced on a depôt farm at Hapur the plan of utilizing brood mares for agricultural purposes. By employing these animals on ordinary farm operations, the cost of producing young stock for the market is reduced to a minimum and the profits of the breeder very materially increased. The depôt farm has now been visited by a certain number of land-towners from the North-West Provinces and the Punjab, and the system followed there is, it is said, being introduced with

some promise of success on a limited number of wards' and other private estates. In future, annual meetings will be held at Hapur for the purpose of giving practical instruction to landowners and horse-breeders whom provincial or district officials may induce to attend.

"The farm will shortly be enlarged and the operations conducted with a closer attention than hitherto to statistical and financial results. A separate circular will be issued during the course of the year, giving a detailed description of the system adopted; but in the meantime the Government of India are glad to take this opportunity to invite Local Governments and Administrations to direct the Agricultural and Veterinary Departments, as well as district and divisional officers, to ascertain how far the example offered at the Hapur farm can be usefully followed elsewhere, and to induce the managers under Courts of Wards and agricultural capitalists to try the experiment of utilizing horses and mares for agricultural purposes.

"13. In conclusion, the Government of India desire that the questions dealt with in this circular may be separately noticed in the reports of Agricultural and Veterinary Departments in which any progress made in the directions indicated should be recorded. The opportunity will be given to Local Governments and Administrations in reviewing these reports to record their opinions on the various measures which have been now suggested, or upon any others which may be advocated or initiated to secure the required results. This circular is intended to draw attention to the subject rather than to dictate the adoption of any precise course of action, and His Excellency the Governor General in Council will be satisfied if it secures the sympathy, co-operation and support of civil authorities in a matter which is of great national as well as of military importance."

(G. I., R. & A., No. 18-54, dated 25th May 1892; *vide* G. R. No. 5872 of 19th July 1892.)

7. Army Veterinary officers in civil employ cannot be granted any privilege, in the matter of free medical attendance on families, which is not enjoyed by the rules of the service of other officers, military or civil, serving in a civil capacity. (G. I., R. & A., No. 3148-I, dated 6th November 1893; *vide* G. R. No. 9316, dated 20th December 1893.)

8 (*A*). The following rules for the Civil Veterinary Department have been sanctioned by the Government of India:—

1. Candidates for employment in the Civil Veterinary Department should submit their applications through the Principal Veterinary Officer in India to the Inspector-General, Civil Veterinary Department.

2. A list of candidates, approved by the Government of India, will be maintained in the office of the Inspector-General, Civil Veterinary Department.

3. No officer shall be eligible for the Civil Veterinary Department unless he has served at least eighteen months in the Army Veterinary Department.

4. The selection of officers for particular appointments will be made by the Government of India with the concurrence of the Local Government or Administration concerned.

5. At any time within eighteen months after joining the appointment, the selected officer may elect to return to military service, but thereafter the right of voluntary reversion ceases.

6. It shall be in the option of the Local Government or Administration to return an Army Veterinary officer, serving under it in the Civil Veterinary Department, to the Military Department at any time within eighteen months if he fails to pass an examination by the Lower Standard in the vernacular of the province, or for any other reason.

6A. Within three years from the date of their appointment to the Civil Veterinary Department, civil officers will be required to pass a further examination in vernacular by the Higher Standard. Failure to pass such an examination within the prescribed period will, in the absence of special orders to the contrary, entail loss of civil allowances.

7. An officer who elects to return or who is returned to military duty under Rules 5 or 6 within the eighteen months of probation, will revert to the position which he occupied in the Army Veterinary Department previous to his appointment to the Civil Veterinary Department.

When an officer wishes to revert under Rule 5, or Local Governments desire to return an officer, under Rule 6, intimation should be given to the Government of India in the Department of Revenue and Agriculture which will give sufficient notice to the Military authorities to enable them to provide a substitute from the Army Veterinary Department to replace the officer reverting or being returned. Such officer, until the substitute is provided, will continue to be borne on the strength of the Civil Veterinary Department.

8. An officer who accepts permanent appointment in the Civil Veterinary Department must elect for continuous civil employment in India, subject only to the liability to temporary return to military duty in the event of serious war.

9. The confirmation of an officer in his appointment at the end of the eighteen months of probation in the Civil Veterinary Department will require the approval of the Government of India.

10. Officers of the Civil Veterinary Department will be liable to transfer from one appointment to another or from one province to another. They will be under the control of the Local Government under which they are serving for the time being, but in all matters connected with the choice, management and location of stallions purchased from Imperial funds for army purposes they shall be under the orders of the Government of India in the Military Department, through the Inspector-General of the Civil Veterinary Department.

11. The Civil Veterinary Department as at present constituted will comprise the following appointments :—

1. Inspector-General, Civil Veterinary Department.	Imperial Officers.
2. Assistant to Inspector-General, Civil Veterinary Department.	
*3. Clinical Assistant to Imperial Bacteriologist.	
4. Superintendent, Civil Veterinary Department, Madras.	Provincial Officers.
5. Superintendent, Civil Veterinary Department, Bombay.	
6. Principal, Veterinary College, Bombay.	
7. Assistant Principal, Veterinary College, Bombay.	
8. Superintendent, Civil Veterinary Department, Bengal.	
9. Superintendent, Civil Veterinary Department, North-Western Provinces and Oudh.	
10. Principal, Lahore Veterinary College, Punjáb.	
11. Professor, Lahore Veterinary College, Punjáb.	
12. Superintendent, Civil Veterinary Department, North Punjáb.	
13. Superintendent, Civil Veterinary Department, South Punjáb.	
14. Superintendent, Civil Veterinary Department, Baluchistán.	
15. Superintendent, Civil Veterinary Department, Burma.	
16. Principal, Ajmere Veterinary School, Rájputána States.	
17. Furlough Reserve.	
18. Furlough Reserve.	

* This appointment may be held by an officer other than an officer of the Army Veterinary Department, and in such case these rules will not apply.

NOTE.—The appointment of Superintendent, Civil Veterinary Department, Central Provinces and Berár, is temporarily suspended, but it is intended that an officer holding a furlough appointment shall perform the duties when his services are available.

12. The appointment of Inspector-General will, whenever an eligible officer is available, be filled from the ranks of the Civil Veterinary Department, and will ordinarily be held for five years only.

13. The salary of Civil Veterinary officers will consist of the Indian military pay and allowances of rank, and a staff or civil allowance on the following scale :—

	Indian Military Pay and Allowances	Civil Allowances
	Rs.	Rs.
Veterinary Lieutenant—		
Under 5 years' service...	400	150
After 5 years' service ...	450	200
After 10 years' service...	500	250
Veterinary Captain— ...	600	300
After 5 years' service in that class	650	350
Veterinary Major—		
After 10 years' service as Veterinary Captain ...	750	400

Army Veterinary officers serving in the Civil Veterinary Department will be entitled to the military rank and title and all other advantages conferred on Army Veterinary officers by the Royal Warrant for pay and promotion.

The salary and rank of the Inspector-General of the Civil Veterinary Department will correspond with those of the Principal Veterinary Officer in India, his total emoluments being Rs. 1,620 a month, irrespective of rank in the Army.

NOTE.—For the purposes of the second clause of this rule the Inspector-General, Civil Veterinary Department, will take the place of the Director-General, Army Veterinary Department.

14. The following appointments will carry with them the additional local allowances noted opposite each :—

	Rs.	
Principal, Bombay Veterinary College.	100	a month.
,, Lahore ,, ...	100	,,
Superintendent, Civil Veterinary Department, Burma	100	,,
Assistant to Inspector-General, Civil Veterinary Department	50	,,

15. Officers of the Civil Veterinary Department will be seconded from the Army Veterinary Department, in which they will retain their rank and commissions. Their names also will be retained in italics in the Army List, and their promotion, so far as it may be regulated by seniority, will correspond with that which they would have received in the Army Veterinary Department.

Promotions in army rank of Civil Veterinary officers will be determined on the principles laid down in the Royal Warrant for pay and promotion and on the recommendation of the Inspector-General, Civil Veterinary Department. Officers will be required to qualify themselves for such promotion by passing the examination prescribed for Veterinary officers of the Army Veterinary Department.

16. The leave and leave allowances of Civil Veterinary officers will be regulated by the rules in the Civil Service Regulations (Chapter XIII) applicable to Military officers subject to the Civil Leave Rules, with the following special conditions :—

(*a*) Officers on ordinary furlough will draw half the pay of their military rank *plus* half their civil allowances.

(*b*) Officers officiating in the Department will draw the pay of their military rank *plus* half the civil allowance attached to that rank.

(*c*) Civil Veterinary officers shall be treated, in applying the rules mentioned, as if they had, before entering the Civil Department, been subject to the leave rules for the Staff

Corps (1886) from the date of their arrival in India.

17. The pension of the Inspector-General, Civil Veterinary Department, after three years' tenure of office will be £500 a year. For the rest, the maximum pension which may be earned by a Civil Veterinary officer will be £450 per annum subject to the following conditions :—

(*a*) No officer of the Department will become qualified for pension under the scale now fixed for the Civil Veterinary Department until he has rendered ten years' service in the Department.

(*b*) Pension for military and civil service combined will be at the rate of £15 a year for every completed qualifying year of service up to a maximum of £450 a year.

(*c*) Leave, apart from privilege leave, will count as service qualifying towards pension to the extent of two months for every year of actual service.

(*d*) Retirement will be optional after twenty years' service and allowed on medical certificate after fifteen years' service.

Should an officer have completed five years' tenure of the post of Inspector-General before having rendered ten years' service in the Department, he will be eligible for a pension of £450 per annum.

Officers retiring before having completed ten years' service in civil employment will be dealt with under military rules for pension or gratuity.

The rules in the Civil Service Regulations relating to the compulsory retirement of military officers in civil employ upon attaining the age of fifty-five years will apply to Army Veterinary officers in the Civil Veterinary Department (see Article 679, Civil Service Regulations).

18. Travelling allowances will be granted to Civil Veterinary Department officers under the the Civil Service Regulations, the principal rates under which are double first-class fares for journeys by railway, eight annas a mile for journeys by road and Rs. 5 a day for halts.

19. Officers of the Civil Veterinary Department called upon to serve with an army in the field will be entitled to the privileges of their army rank, and will retain the pay and allowances drawn by them in the Civil Department. Such service will count for leave and pension in the same way as service rendered in the Civil Department.

20. Officers of the Civil Veterinary Department are debarred from private practice without the permission of the Local Government under which they may be serving.

21. The family of a Civil Veterinary officer recruited from the Veterinary Staff of the Army

will be eligible for pension under the provisions of the Royal Warrant, 'Pay and Non-effective Pay,' applicable to the families of Army Veterinary officers.

Civil Veterinary officers will be required to make, independently, due provision for their families, by subscribing under such Pension Regulations as Government may from time to time prescribe.

Supplementary rules for the examination of Officers of the Civil Veterinary Department in the vernacular.

1. The Lower and Higher Standards in vernacular, to which reference is made in Rules 6 and 6A of the Civil Veterinary Department rules, shall, generally speaking, mean the Lower and Higher Standards in Hindustani prescribed by Army Regulations, India, Volume II. From the 1st October 1895, when the revised rules published in India Army Circulars, dated 1st April 1895, come into force, the Higher Standard examination shall include ability to transliterate from Persian into Nagri and *vice versâ*. Candidates may apply to present themselves before Military Committees of Examination in the same manner as officers of other branches of the service, in conformity with Section XXIV, Army Regulations, India, Volume II.

2. In Madras the Lower Standard shall mean the third class test prescribed by Government Notification No. 191, dated 13th April 1894 (*Fort St. George Gazette*, Part I, dated 24th April 1894), and the Higher Standard shall mean the second class test prescribed by the same notification, and the language chosen shall be either Tamil or Telugu, as the Local Government thinks fit.

3. In Burma the Lower and Higher Standards shall mean the lower and higher Standards, respectively, in Burmese as laid down in Government Notification No. 201, dated 11th August 1892. (*Burma Gazette*, Part I, dated 13th August 1892.)

4. An officer who, before joining the Civil Veterinary Department, has passed by the Lower and Higher Standard in Hindustani as prescribed in the Army Regulations, shall be deemed to have passed by the Lower and Higher Standard as the case may be for the purposes of Rules 6 and 6A of the Civil Veterinary Department rules, unless the officer is posted to Burma or Madras.

5. When an officer is transferred from one province to another, and the language in which Civil Veterinary Department officers have under these orders to pass is in both provinces Hindustani, the limits of time mentioned in Rule 6 of the Civil Veterinary Department rules will run from the date on which the officer was first ap-

pointed to a province in which Civil Veterinary Department officers have under these orders to pass in Hindustani; and an officer who has passed by a standard in any such province shall be deemed to have passed by that standard for the purposes of Rule 6 of the Civil Veterinary Department rules.

6. When an officer is transferred from a province in which Civil Veterinary Department officers have to pass in Hindustani, to one in which they have to pass in another language, or *vice versâ*, the limits of time mentioned in Rule 6 shall run from the date of such transfer.

7. If an officer fails to pass the prescribed examinations, the Local Government may extend the period during which he must pass.

(G. I., R. & A., No. 10-59-5, dated 28th June 1895; *vide* G. R. No. 5587, dated 24th July 1895.)

(*B*). In connection with these rules the following orders have been issued by the Government of India:—

Rule 5.—Officers already in the Civil Veterinary Department must elect whether they intend to remain in the Department or not within 6 months from the date of the issue of these rules, or 18 months from the date when they joined the Department, whichever period may expire later.

Rule 6.—All officers now in the Civil Veterinary Department will be allowed a period of 18 months from the date of issue of these rules within which to pass the Lower Standard examination required by this rule.

Rule 6A.—Officers already in the Civil Veterinary Department will be excused from the operation of this rule.

Rule 13.—Under this rule some doubt has been felt as to the pay and allowances to be drawn by officers holding the furlough appointments mentioned in Rule 11, and it is therefore intimated that they will when present on duty receive full pay and allowances.

Rule 14.—In addition to the local allowances mentioned in this rule, the following appointments at present carry also the allowances noted opposite each:—

	Rs.
Principal, Bombay Veterinary College—	
House-rent	60
Carriage allowance	35.
Superintendent, Civil Veterinary Department, Madras—	
House-rent	50

Rule 16.—In connection with this rule it has been decided that—

(i) for the purposes of Rule 16 (*c*) the date of arrival in India must be held to be the date of arrival on the last tour of service;

(ii) an officer must be substantively appointed to the Civil Veterinary Department, or have officiated continuously in it for three years, before he can become subject to the civil leave rules; but an officer subject to civil leave rules at the time of joining the Civil Veterinary Department will count all service rendered under those rules as service for civil furlough;

(iii) an officer holding an appointment which has been absorbed into the Civil Veterinary Department will be allowed, for the purposes of Rule 16 (*c*), to count service in that appointment as if it were service (substantive or officiating as the case may be) in the Civil Veterinary Department.

Rule 17.—The question having arisen whether previous service in an appointment absorbed into the Civil Veterinary Department counts as service rendered in that Department for the purposes of this rule, the Government of India have decided it in the affirmative.

(G. I., R. & A., No. 11-59-6, dated 28th June 1895; *vide* G. R. No. 5587, dated 24th July 1895.)

(*C*). All applications for leave, other than casual, by officers of the Civil Veterinary Department should be forwarded by the Local Government through the Inspector-General, Civil Veterinary Department, to the Government of India for orders. (G. I., R. & A., No. 12-70-8, dated 29th June 1895; *vide* G. R. No. 6971, dated 10th Septembe 1895.)

(*D*).—The proceedings of Medical Boards assembled on officers of the Civil Veterinary Department in connection with applications for leave on medical certificate out of India should be furnished to the Inspector-General, Civil Veterinary Department, in duplicate, together with applications for such leave. (G. I., R. & A., No. 12-101-2, dated 22nd June 1896; *vide* G. R. No. 5501, dated 15th July 1896.)

(*E*).—No appointment to any post on the cadre of the Civil Veterinary Department should be made by Local Governments without the previous sanction of the Supreme Government. (G. I., R. & A., No. 9-35-5, dated 13th May 1896; *vide* G. R. No. 4450, dated 5th June 1896.)

(*F*).—The Government of India will notify—

(*a*) Postings or first appointments on probation to the Civil Veterinary Department.

(*b*) The confirmation of officers appointed on probation to the department.

(*c*) Appoinments to offices under direct Imperial control.

(*d*) Reversions to the Army Veterinary Department.

(*e*) Transfers from one province to another or from an Imperial appointment to be placed at the disposal of a Provincial Government and *vice versâ*.

(*f*) Leave.

The Local Government will notify —

(*i*) the particular appointment to be filled by the officer posted to the province by notifications (*a*) or (*e*) above and

(*ii*) transfers from one provincial appointment to another within the province.

A copy of every notification issued by the Local Government should be furnished to the Inspector-General, Civil Veterinary Department, and to the Comptroller, India Treasuries, who are responsible for keeping the cadre within the sanctioned scale. Copies should also be forwarded to the Government of India in the Department of Revenue and Agriculture, and the Provincial Audit Officer.

A copy of Government of India notifications will similarly be furnished to the Local Government, the Inspector-General Civil Veterinary Department, the Comptroller, India Treasuries, and the Provincial Audit Officer.

The dates on which Civil Veterinary Officers assume or relinquish charge of their duties or leave India on furlough are, under financial rules, reported direct to the Accounts Officer concerned. They should also be reported direct to the Inspector-General, Civil Veterinary Department, who will keep the Government of India informed.

The Inspector-General, Civil Veterinary Department, may continue to be consulted before transfers of Civil Veterinary Officers within the province are made, and he may receive early intimation when such transfers have actually taken place, in order that he may be kept informed of the movements of officers of the Department.

(G. I., R. & A., No. 10-133-1, dated 28th October 1897; *vide* G. R. No. 8300, dated 15th November 1897.)

PART II.—TOURS OF THE SUPERINTENDENT, CIVIL VETERINARY DEPARTMENT.

1. The Superintendent, Civil Veterinary Department, should submit to the Survey Commissioner and Director of Land Records and Agriculture a monthly diary furnishing a detailed programme of his tour showing the date, name of district, the places from and to which daily march was made, and the numbers of miles travelled daily by road and rail; and a copy of this diary should be supplied to the Inspector-General by the Survey Commissioner and Director. (G. R. No. 4719, dated 24th June 1895.)

2. The Superintendent should devote the whole of the travelling season, which includes the hot weather months, to touring on duty in the Bombay Presidency. (G. R. No. 2146, dated 24th March 1890.)

3. On entering a district the Superintendent, Civil Veterinary Department, should report himself to the Collector in case that officer may wish to communicate with him on the subject of his work in that district. (G. R. No. 7181, dated 4th September 1885.)

4. The district officers should issue strict instructions to the táluka officials in their respective charges to render every possible assistance to the Superintendent, Civil Veterinary Department, during his annual inspection tours. (G. R. No. 1259, dated 19th February 1892.)

5. The Superintendent, Civil Veterinary Department, should report at once to the Collector any negligence or indifference shown by a Mámlatdár in connection with horse-breeding operations. (G. R. No. 7529, dated 16th September 1885.)

PART III.—VETERINARY DISPENSARIES AND VETERINARY GRADUATES AND ASSISTANTS.

1. The scheme as propounded by Government in respect of Veterinary Dispensaries, &c., is that they are to pay—

(*a*) a grant-in-aid to all Veterinary Dispensaries;

(*b*) two-thirds of the pay of the Veterinary Graduate, (in Poona the Veterinary Assistant,) in charge of certain dispensaries, and half the pay of the Veterinary Graduate in charge of certain other dispensaries;

(*c*) half the pay and travelling allowances of the itinerating Veterinary Graduate in all cases.

These graduates are to receive pay beginning at Rs. 50 and rising to Rs. 100 by annual increments of Rs. 5. These rates are to be considered the maximum rates towards which Government will contribute the quota specified. Local Boards have discretion to engage graduates at lower rates. The Veterinary Assistants should be servants of the Municipalities and Local Boards. It seems undesirable that a new class of pensionable Government servants should be created for what is properly *local* service, and His Excellency in Council thinks that Government will do all that may fairly be expected in subsidizing local effort. The Governor in Council further considers that the offer of grants-in-aid to dispensaries and of part of the pay of Veterinary Assistants should be limited in each case to periods of five years. After five years' experience the position may be reviewed and Government can then determine what further assistance, if any, should be given from Provincial Revenues towards the maintenance of Veterinary Dispensaries and District Veterinary Assistants.

The Veterinary Graduates in charge of dispensaries and the itinerant Veterinary Assistants should be immediately under the orders of the District Committees, consisting of the Collector of the District and representatives of all contributing bodies. They should report to the District Committees, who will correspond with the Director of Land Records and Agriculture, and the latter officer will correspond with the Commissioners. The Collectors and Commissioners and the Director of Land Records and Agriculture should notice the operations of the district veterinary establishments and their results in their annual administration reports. The Director of Land Records and Agriculture and the other officers of the Civil Veterinary Department should be *ex-officio* visitors of the veterinary dispensaries.

The Superintendent, Civil Veterinary Department, and the other officers of the Civil Veterinary Department should have the right of inspection and

independent criticism of the work of the Veterinary Graduates in charge of dispensaries and of the itinerating Graduates attached to the dispensaries. The criticisms of these officers should be always referred to the District Committees for remarks. (G. Rs. Nos. 2011, dated 18th March 1891, and 4451, dated 21st July 1891.)

2. The following are the duties of Veterinary Graduates :—

A.—Duties of Veterinary Graduates in charge of dispensaries—

(1) The charge of the dispensary and hospital and visiting sick animals at the owners' stables under the rules prescribed by the District Committee.

(2) Superintendence of the feeding and working of Government stallions in the town or city where the dispensary is under the orders of the Superintendent, Civil Veterinary Department.

(3) Castration of colts.

(4) Co-operation with the itinerant Veterinary Graduate, if any, generally ; and especially in cases of outbreak of epidemic cattle disease.

(5) Visiting fairs and shows in the town or city in which the dispensary is located.

B.—Duties of itinerant Veterinary Graduates—

(1) Systematic tours under the general orders of the District Committee—

(*a*) to make known the existence and objects of the dispensary and to send animals for treatment there, if feasible, and to treat locally ;

(*b*) under orders of the Superintendent, Civil Veterinary Department, to inspect Government stallions located in the districts ;

(*c*) under similar orders to send colts for castration to the dispensary ;

(*d*) to visit cattle fairs and shows.

(2) To take prompt measures for the repression of cattle disease.

(3) To aid the Superintendent of Bacteriological Survey in his duties.

(4) To give prompt intimation to the Imperial Bacteriologist of the outbreak of contagious disease among the lower animals.

As to reports.

Veterinary Graduates in charge of dispensaries and those itinerating should submit annual reports, in the form to be prescribed, to the District Committee, showing the operation of the year (ending 31st March.)

Note.—The itinerant Veterinary Graduate will indent on the dispensary for medicines, but must keep a careful account of his expenditure.

(G. R. No. 2780, dated 22nd April 1891.)

3. In the districts where itinerating Veterinary Assistants are employed, the Local Boards concerned should prescribe routes and dates for the Assistants (subject to alteration in case of epidemic disease) and require them to submit diaries of their movements.

(G. R. No. 4217, dated 12th June 1893.)

4. The Superintendent, Civil Veterinary Department, should visit grants-in-aid veterinary dispensaries. It is desirable that he should comment on the annual reports of these dispensaries, receiving them from the Collectors and forwarding them to Government, embodied in the Annual Veterinary Report, through the Survey Commissioner and Director of Land Records and Agriculture. It is essential that the dispensaries should be visited by a professional officer, who will examine the record of treatment by the Veterinary Graduate in charge, and comment, in his professional capacity, on the suitability of the arrangements for treatment of patients, on the supply of medicine, and on the assistance in the inspection of stallions and other cognate duties which are imposed on graduates in charge of dispensaries in connection with horse-breeding operations. (G. R. No. 5220, dated 10th July 1893.)

5. The following are the rules for the inspection of grant-in-aid Civil Veterinary Dispensaries :—

I. The following are appointed inspecting officers by Government :—

1. The Collector and President, District Local Board
2. The Survey Commissioner and Director, Land Records and Agriculture.
3. The Superintendent, Civil Veterinary Department
4. The Deputy Director of Agriculture.
5. The District Superintendent of Police.
6. The Officer in charge of the Sub-division.
7. The Members of the Dispensary Committee.

II. The members of the Dispensary Committee who may be present at the time and in the place where the dispensary is located, shall inspect the institution at least once a month.

III. The inspecting officers as well as members of the Dispensary Committee shall record their remarks in the Visitors' Book kept for the purpose.

IV A copy of the remarks made in the Visitors' Book shall at once be submitted to the Collector and President, District Local Board, by the officer in charge of the dispensary.

V. The following points should be specially attended to in the inspection :—

1. *Registers*, whether kept in full and written up to date.
2. *Medicines and Instruments*, whether sufficient or in good order.
3. *Cleanliness* and *sanitary condition* of the dispensary.
4. *Accommodation*, whether sufficient.
5. *Epidemic or Contagious Disease*, whether duly reported to the Collector.

6. *Efficiency* of the officer in charge.
7. *Complaints*, if any received.

VI. Registers to be kept—

(i) Daily Attendance Register of Out-patients.
(ii) Abstract of do.
(iii) Register of In-patients.
(iv) Abstract of do.
(v) Return of Medicines, &c. (annual).
(vi) Detailed Bill of Contingent Charges.
(vii) Inward Correspondence Register.
(viii) Outward do. do.
(ix) Proceedings of the Dispensary Committee.
(x) Cash Account Book.
(xi) Account book of Local Fund Postage Stamps.
(xii) Receipt Book for Contingent Charges (Anglo-Vernacular).
(xiii) Visitors' Book.

(G. Rs. Nos. 6351, dated 1st September 1893, and 2668, dated 5th April 1897.)

No. I.

Daily Attendance Register of Out-patients, 189 -9 .

Serial No.	OWNER.			Description of Animal.	Disease.	Date of Admission.	No. of Visits.	Results.	Remarks.
	Name.	Occupation.	Residence.						

(G. R. No. 6351, dated 1st September 1893.)

No. II.

Abstract of Daily Attendance Register of Out-patients for the month of _____ 189 -9 .

Date.	Horses.	* Cattle.	* Buffaloes.	Sheep and Goats.	Dogs.	Others.	Total No. of Animals.	Remarks.
1st ...								
2nd ...								
3rd ...								
4th ...								
5th ...								
6th ...								
7th ...								
8th ...								
9th ...								
10th ...								
11th ...								
12th ...								
13th ...								
14th ...								
15th ...								
16th ...								
17th ...								
18th ...								
19th ...								
20th ...								
21st ...								
22nd ...								
23rd ...								
24th ...								
25th ...								
26th ...								
27th ...								
28th ...								
29th ...								
30th ...								
Total ...								
Average ...								

* Cattle should include bulls, bullocks, cows and calves; similarly buffaloes to include he, she and calves of that class.

No. III.

Register of In-patients, 189 -9 .

Serial No.	Owner.			Description of Animal.	Disease.	Date of		Results.	Remarks.
	Name.	Occupation.	Residence.			Admission.	Discharge.		

(G. R. No. 6351, dated 1st September 1893.)

No. IV.

Abstract of Animals treated as In-patients for the month of 189 -9 .

Date.	Horses.	*Cattle.	*Buffaloes.	Sheep and Goats.	Dogs.	Others.	Total No. of Animals treated.	Remarks.
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								
16								
17								
18								
19								
20								
21								
22								
23								
24								
25								
26								
27								
28								
29								
30								
31								
Total ...								
Average ...								

*Cattle should include bulls, bullocks, cows and calves; similarly buffaloes to include he, she and calves of that class.

No. V.

Return of Receipts and Expenditure of Medicines, Appliances, Instruments, &c., of Veterinary Dispensary_____ for the year 189 -9 .

No.	Articles.	Balance in hand on 31st ultimo.		Received during the month.		Total Quantity in Stock.		Expended during the month.		Quantity sent to Itinerating Veterinary Graduate		Remaining on the 31st.		Remarks.
		Lbs.	Oz.	Lbs.	Oz.	Lbs.	Oz.	Lbs.	Oz.	Lbs.	Oz.	Lbs.	Oz.	
	A-Europe Medicines.													

No. V—*continued.*

No.	Articles.	Balance in hand on 31st ultimo.		Received during the month.		Total quantity in Stock.		Expended during the month.		Quantity sent to Itinerating Veterinary Assistant.		Remaining on the 31st.		Remarks.
		Lbs.	Oz.	Lbs.	Oz.	Lbs.	Oz.	Lbs.	Oz.	Lbs.	Oz.	Lbs.	Oz.	
	B-Bazár Medicines.													

No. V—*continued.*

No.	Articles.	NUMBER.		Date of receipt.	In what state.	Remarks and how disposed of.
		Received.	At hand.			
	C—Appliances.					
	(*a*) European.					
	(*b*) Indian					

No. V—*concluded.*

No.	Item.	Number.		Date of receipt.	In what state.	Remarks and how disposed of.
		Received.	At hand.			
	D—Instruments.					
	E—Catalogue of Books and Registers.					
	F—Furniture.					

No. VI.

Detailed Bill of Contingent Charges referred to in Article 88, Chapter VI, Civil Account Code, Vol. I, Fifth Edition (to be obtained from Treasury Officers).

(G. R. No. 6351, dated 1st September 1893.)

B 1955—199 REV.

No. VII.

Inward Register for the Year 189 .

General No.	LETTERS.			From whom.	Compilation.	SUBJECT.	Date of Reference.	To whom.	Date of Reply.
	No.	Date.	Date of Receipt.						

No. VIII.

Outward Register for the Year 189 .

LETTERS.		To whom.	Compilation.	SUBJECT.	Remarks.
No.	Date.				

No. IX.

Proceedings of the Veterinary Dispensary Committee.

No. X.

Cash Account of the Veterinary Dispensary _____ *for the month of* _____ 189 .

Date.	Dr.	Amount.			Date.	Cr.	Amount.		
		Rs.	a.	p.			Rs.	a.	p.
	Balance brought forward from last month's account ...								
						Total Expenditure...Rs.			
						Balance on the last day of the month Rs. _____			
	Total...Rs.					Total...Rs.			

No. XI.

Account of the Local Fund Postage Stamps for the month of _____ 189 .

Letter No.	Date.	Name of Addressee.	No. of Postage Stamps affixed.				Amount.				Balance of Postage Stamps brought forward from last Month's account.				Remarks.
			Two-anna Stamps.	One-anna Stamps.	Half-anna Stamps.	Post Cards.	Rs.	a.	p.		Two-anna Stamps.	One-anna Stamps.	Half-anna Stamps.	Post Cards.	
		Total No. of Stamps affixed ...													
		Balance of Stamps on last day of the month ...													
		Total ...					Total ...								

No. XII.

Receipt Book for Contingent Charges.

Name of Person from whom purchased. જેની પાસેથી માલ લીધો તે ધણીનું નામ. કોણપાસૂન માલ વિકત ઘેતલા ત્યાચેં નાંવ. ಯಾರಕಡೆಯಿಂದ ಮಾಲು ಮಾರತಗೊಂಡಿತು ಅವನ ಹೆಸರು.	Date of Purchase. માલ લીધાની તારીખ. खरेदीची तारीख. ಖರೀದಿಯ ತಾರೀಖು.	Details of Articles purchased. માલની વીગત. खरेदी घेतल्या मालाचा तपशील. ಮಾರ ತಕ್ಕೊಂಡ ಮಾಲಿನ ತಪಶೀಲು.	Weight or No. of Article. વજન અથવા સંખ્યા. वजन किंवा संख्या. ತೂಕ ಅಥವಾ ಸಂಖ್ಯೆ.	Price. કિંમત. किंमत. ಕ್ರಯ.			Date of Payment. રૂપીઆ આપ્યાની તારીખ. पैसा आदा केल्याची तारीख. ಹಣ ಕೊಟ್ಟ ತಾರೀಖು.	Signature of the Payee. રૂપીઆ લેનાર ધણીની સહી. पैसा घेणाराची सही. ಹಣ ತಗೊಂಬುವವನ ಸಹಿ.
				Rs. રૂ. रु. ರೂ.	a. આ आ ಆ.	p. પા. पै. ಪೈ.		

No. XIII.

Visitors' Book.

(G. R. No. 6351, dated 1st September 1893.)

6. The accounts of the following veterinary dispensaries should be transferred to the control of the District Local Boards concerned and treated as Incorporated Local Fund accounts :—

Ahmedabad,	Karáchi
Nadiád,	Shikárpur,
Dhulia,	Hyderabad,
Jalgaon,	Dhárwár,
Belgaum,	Poona

Sholápur.

The accounts of the Itinerating Veterinary Assistants in Khándesh, Belgaum, Kaira, Násik, Poona, Shikárpur and Hyderabad should be similarly treated.

The fund of the veterinary dispensary at Surat should be constituted an Excluded Local Fund and should bank with the Treasury.

The veterinary dispensary at Násik, which is managed by the Násik Society for the Prevention of Cruelty to Animals, does not bank with Government, and the accounts of it are not treated as Excluded Local Funds.

(*Vide* G. Rs. Nos. 10572, dated 22nd December 1894, 5483, dated 19th July 1895, 7778, dated 8th October 1895, and 1973, dated 3rd March 1896.)

7. Veterinary Dispensaries in receipt of a grant-in-aid from Government may be permitted to obtain from the Government medical stores medicines and instruments on the same terms as are sanctioned by the rules relating to grant-in-aid charitable dispensaries.

(G. R. No. 1246, dated 10th February 1896.)

8. When the Superintendent, Bacteriological Survey,* travels in the Bombay Presidency in the course of his investigations he should be provided by the Director of Land Records and Agriculture on application with the assistance of a Veterinary Assistant (or Salutri) to aid him in his operations where available from the subordinate veterinary staff of the Province. (G. I., R. A., No. 40-108, dated 22nd October 1892; *vide* G. R. No. 9350, dated 29th November 1892.)

9. It is one of the duties of itinerating Veterinary Assistants to aid the Superintendent of Bacteriological Survey in his duties. In those districts where such officers are employed, the assistance required by the Superintendent, Bacteriological Survey,* should therefore be readily provided without extra expenditure. When the Superintendent, however, in the course of his investigations has to visit any other district of the Presidency and applies for similar assistance, the Director of Land Records and Agriculture should arrange, in communication

* Under Government Resolution No. 2337, dated 29th March 1893, the Superintendent, Bacteriological Survey, has been placed entirely under the orders of the Inspector-General, Civil Veterinary Department, and the Government of India in the Revenue and Agricultural Department, and he has since been gazetted as Assistant to the Inspector-General.

with the Principal of the Bombay Veterinary College or the Superintendent of the Civil Veterinary Department, to provide that officer temporarily with the services of a Veterinary Graduate or Salutri on such terms as may be considered reasonable, reporting the arrangement for the sanction of Government. If no other arrangement can be made, the Director should be requested temporarily to utilize the services of one of the itinerating Veterinary Assistants acquainted with the language of that part of the Presidency in which the Superintendent may be travelling for the time. The permanent employment of a Veterinary Assistant for the purpose is not contemplated by the orders of the Government of India, communicated to the Director with Government Resolution No. 9350, dated 29th November 1892, and is not necessary in the circumstances of this Presidency. (G. R. No. 526, dated 19th January 1893.)

PART IV.—REPORTS AND RETURNS.

1. The number of remounts purchased by the Army Remount Department in the Eastern market *i. e.*, Arabs and Persians, is not to be shown in the appendix to the Annual Administration Report of the Civil Veterinary Department giving the number of remounts purchased during the year, as the return should be confined to country-breds with which only the Civil Veterinary Department is concerned. (G. I.. M. D., No. 1047 S. D., dated 7th August 1883; *vide* G. Rs. Nos. 6655, dated 8th September 1883, 8964, dated 6th December, and 8964, dated 6th December 1883.)

2. Government must impress upon the Collectors and Political Agents the importance of supplying to the Superintendent, Civil Veterinary Department, trustworthy information regarding the results of horse-breeding operations within their respective charges, but the Superintendent should give them timely intimation of the date on or before which the returns are required. (G. R. No. 6004, dated 25th July 1885.)

3. Collectors should furnish to the Superintendent, Civil Veterinary Department, information on the following points whenever it is required :—

(i) District stallions—horse, pony and donkey·—Number received, all casualties, sales, comparative merits, and the like.

(ii) Unbranded mares—mares branded for the service of the district stallion.—Number died, sold, covered, &c.

(iii) Produce of above.--Percentage of coverings, foalings, &c.

(iv) Cost of feed and keep of district stallions; expenses met from provincial or local funds.

(G. R. No. 7948, dated 23rd November 1891.)

4. Information showing against each horse his coverings of the previous year, and the foals attributed to him in the year of report should be embodied in the annual administration reports of the Civil Veterinary Department. (G. R. No. 1259, dated 19th February 1892.)

5. To ensure the punctual submission of the annual report of the Civil Veterinary Department to the Government of India, the Collectors and Political Agents concerned should transmit their annual district returns required for the report to the Superintendent by the 1st of May in each year. (G. R. No. 1259, dated 19th February 1892.)

6. The Superintendent, Civil Veterinary Department, should in his annual reports furnish information affording data for the comparison of the total number of remounts (Army Remount Department included) obtained in the Presidency with the number of horse stallions (ponies excluded) serving there. The proportion sired by these stallions should also be shown. There should be no further difficulty in

reporting these figures than lies in the occasional uncertainty of pedigree, and the doubtful cases should be separately shown. These data are essential to the correct appreciation of the amount of benefit derived by Army and Police from the horse-breeding operations. (G. R. No. 2451, dated 8th April 1893.)

7. The Superintendent, Civil Veterinary Department, Baluchistan and Sind, should submit annually to the Survey Commissioner and Director of Land Records and Agriculture on the 1st June a report relating to veterinary dispensaries, cattle diseases and cattle breeding, in Sind, and should also send a copy of it to the Inspector-General, Civil Veterinary Department. (G. R. No. 2447, dated 8th April 1899.)

8. The following rules for the preparation and submission of annual reports by the officers in the Civil Veterinary Department have been prescribed by the Government of India. The statistics relate almost entirely to Government animals, but similar returns for animals belonging to Local Bodies would also be useful, and, if they can be compiled, should be added to the Provincial Reports in the prescribed form of tables :—

(1) On the 1st June of every year, each Superintendent of the Civil Veterinary Department will submit a Report on the Civil Veterinary Administration of the twelve months ending on the preceding 31st March.

(2). The Report to be divided into two parts *viz.* :—

I.—IMPERIAL.

(*a*) Military Section.
(*b*) Revenue Section.

II.—PROVINCIAL.

As explained below :—

PART I.—IMPERIAL REPORT.

(*a*)—*Military Section.*

I.—Horse-breeding—

(1) Government horse stallions—

Number present at commencement of year.
Number added to registers.
Number removed from registers.
Number present at close of year.
Number at stud work.
Number of mares covered.
Demand for stallions.
Which produce the most suitable stock for the Army.

(2) Remounts, country-bred—

Number purchased.

II.—Mule-breeding—

(1) Government donkey stallions—

Number present at commencement of year.
Number added to registers.
Number removed from registers.
Number present at close of year.
Number at stud work.
Number of pony and donkey mares covered.
Demand for donkey stallions.

(2) Number of mules purchased by Government.

(b)—Revenue Section.

I.—Horse-breeding—

(1) Government horse stallions—
Cost of feed and keep.

(2) Branded mares—

Number present at commencement of year.
Number added to registers.
Number removed from registers.
Number present at close of year.
Number served by Government stallions.

(3) Produce—

Number foaled, showing averages to mares covered, and per stallion employed.

(4) Castration—

Number of colts castrated by Veterinary Assistants and salutris paid from Imperial Funds.

II.—Mule-breeding—

(1) Government donkey stallions—
Cost of feed and keep.

(2) Pony and donkey mares—
Number served by Government donkey stallions.

(3) Produce—

Number of mule stock foaled, showing averages to mares covered and per stallion employed

III.—Horse Fairs and Shows—

Review on each fair and show held.
Stallions whose produce won prizes.

IV.—Instruction Farm—

(1) Balance sheet of cultivation operations.
(2) Return of farm animals.
(3) Casualty roll of animals.
(4) Sale roll of animals.
(5) Technical classes held.
(6) Primers published and distributed.

V.—Bacteriological Laboratory—

(1) Description and quantity of vaccine prepared and distributed.
(2) Experiments conducted.
(3) Results of experiments.

VI.—General—

(1) Cost of the Department.
(2) Tour of Officers of the Civil Veterinary Department.
(3) General Remarks.

PART II.—PROVINCIAL REPORT.

I.—Horse-breeding—

(1) Horse and pony stallions belonging to District Boards, &c.—

Number present at commencement of year.
Number added to registers.
Number removed from registers.
Number present at close of year.
Number at stud work.
Number of mares covered.
Demand for stallions.
Cost of feed and keep, and how defrayed.

(2) Mares unbranded or branded for district horse-breeding—

Number present at commencement of year.
Number added to registers.
Number removed from registers.
Number present at close of year.
Number covered by district stallions.

(3) Produce—

Number foaled, showing averages to mares covered and per district stallion employed.

II.—Mule-breeding—

(1) Donkey stallions belonging to District Boards, &c.—

Number present at commencement of year.
Number added to registers.
Number removed from registers.
Number present at close of year.
Number at stud work.
Number of pony and donkey mares covered.
Demand for donkey stallions.
Cost of feed and keep, and how defrayed.

(2) Pony and donkey mares—

Number covered by district donkey stallions.

(3) Produce—

Number of mule and donkey stock foaled, showing averages to mares covered and per stallion employed.

III.—Cattle disease investigation and prevention—

(1) Information collected.
(2) Outbreaks during the year.
(3) Treatment, vaccination, &c.

IV.—Cattle-breeding including cattle fairs and shows.

V.—Veterinary Instruction—

(1) Colleges and schools.
(2) Other Institutions.
(3) Dispensaries.
(4) Work done by subordinate establishment.

VI.—Tours of Superintendents—

(1) Districts visited.
(2) Shows and fairs attended.
(3) Miles travelled by—

(*a*) Road,
(*b*) Rail,
(*c*) Boat or steamer.

VII.—General—

(1) Provincial cost of Department.
(2) General remarks.

(3). The Annual Imperial Report, both Military and Revenue, will be submitted by Superintendents, Civi Veterinary Department, direct to the Inspector-General and a copy to the Provincial Government; the Provincial Report direct to the Local Government and a copy to the Inspector-General.

(4). Reports in connection with the Bacteriological Laboratory and cattle disease will be submitted by the Imperial Bacteriologist and the Assistant to the Inspector-General, Civil Veterinary Department, on the 1st July of each year, direct to the Inspector-General, Civil Veterinary Department, and a copy to the Local Government of the province to which the report refers.

(5). Any instructions required, as regards the information to be furnished under "Imperial Report—Military Section" will be issued by the Inspector-General, Civil Veterinary Department, under the orders of the Military Department; instructions relating to "Imperial Report—Revenue Section" by the same officer, under the orders of the Revenue and Agricultural Department, and instructions relating to the Provincial Report, by the Local Government.

(6). Principals of Veterinary Colleges and Schools will submit on the 1st June a separate annual report, for the year ending 31st March, on

the institutions under their charge, in such form and through such channels as the Local Government may direct, a copy being forwarded by the Principal at the same time to the Inspector-General, Civil Veterinary Department.

(7). When the Superintendent, Civil Veterinary Department, is also Principal of a Veterinary College or School, he may, at the discretion of the Local Government, submit his report on the college or school in Section V of the Provincial Report.

(8). Annual reports should generally be confined to a review of facts and statistics collected during the year, the measures carried out, and the results secured.

(9). The Inspector-General, Civil Veterinary Department, may submit to the Local Government, for consideration and orders, any observations or suggestions he may desire to make on the provincial reports, but it will be at the option of the Local Government to pass orders on the report at once, or to await the remarks of the Inspector-General. The Inspector-General should submit his remarks or suggestions, ordinarily, within ten days after receipt of a copy of the provincial report from the Superintendent, Civil Veterinary Department, or the Principal of a Veterinary College or School.

(10). When orders have been passed on the provincial report by the Local Government, a copy of the report and of the orders thereon will be forwarded to the Government of India. A copy of the orders will also be sent to the Inspector-General, Civil Veterinary Department, direct.

(11). All annual provincial reports of the Civil Veterinary Department should reach the Government of India by the 1st August.

(12). The Inspector-General, Civil Veterinary Department, will submit to the Government of India, not later than the 1st September of each year, a report on horse and mule-breeding with Imperial stallions and on any other veterinary matters directly administered by him. The report will also include the statistical tables and a general review of the provincial reports.

(13). A copy of the Inspector-General's annual report, and of the orders thereon, will be forwarded by the Government of India to all Local Governments and Administrations.

INSTRUCTIONS REGARDING THE MAP WHICH SHOULD ACCOMPANY THE ANNUAL REPORT.

A map should accompany the annual report of the Civil Veterinary Department, showing the names and situation of stallions' stands. Under the name of each stand should be noted the number of Government horse, pony, and donkey stallions present at that stand at the end of the year—*e. g.* :—

$$\frac{\text{Bulandshahr}}{3\text{ H-}2\text{ P-}3\text{ D.}}$$

will indicate that there were 3 Government horse stallions, 2 pony stallions and 3 donkey stallions at the Bulandshahr stand at the end of the year.

With regard to provincial stallions, it will be sufficient to note, on the same map, across the space demarcating the limits of each district, how many horse, pony and donkey stallions —the property of District Boards, &c., &c.,—there are in that district, thus :—

$$\frac{\text{District stallions.}}{2\text{ H-}3\text{ P-}1\text{ D.}}$$

across the space showing the outlines or boundaries of, say Rawalpindi District, will indicate that there were 2 horse stallions, 3 pony stallions, and 1 donkey stallion in the whole of that district belonging to local bodies or other private individuals.

The above to be printed in black ink—no other colours to be used on the map.

Tables to accompany the annual Imperial Report of the Civil Veterinary Department.

I. Return of Government Horse, Pony and Donkey stallions.

II. Casualty Roll of Government Horse and Pony stallions.

III. Sale Roll of Government Horse and Pony stallions.

IV. Services and produce of Government Horse and Pony stallions.

V. Record of stallions which produce the most suitable stock for the Army.

VI. Statement of Remounts purchased.

VII. Casualty Roll of Government Donkey stallions.

VIII. Sale Roll of Government Donkey stallions.

IX. Services and produce of Government Donkey stallions.

X. Statement of Mules purchased by Government.

XI. Cost of feed, keep, &c., of Government Horse and Pony stallions.

XII. Return of branded or certificated mares and their produce.

XIII. Breeders' colts castrated by Veterinary Assistants and salutris paid from Imperial Funds.

XIV. Cost of feed, keep, &c., of Government Donkey stallions.

XV Abstract of particulars regarding each horse fair and show held.

XVI. Statement showing the stallions whose produce won prizes at horse fairs and shows.

XVII. Balance sheet of cultivation operations.

XVIII. Return of Instruction Farm animals.

XIX. Casualty Roll of Instruction Farm animals.

XX. Sale Roll of Instruction Farm animals.

XXI. Cost of the Department Imperial charges.

XXII. Tours of Officers of the Department.

N. B.—The same form of Returns, as prescribed for the Imperial Report, might be usefully adopted for the provincial portion* of the Report; but their adoption, or otherwise, is left to the discretion and wishes of Local Governments.

(G. I., R. & A., No. 42-17, dated 28th October 1893; *vide* G. R. No. 8667, dated 27th November 1893; and also G. I., R. & A., No. 4-53-2, dated 5th May 1897; *vide* G. R. No. 3877, dated 22nd May 1887.)

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* Separate forms have since been prescribed for the provincial portion. (G. R No. 2997, dated 22nd April 1895.)

TABLE I.

IMPERIAL REPORT—MILITARY SECTION.

Return of Government Horse, Pony, and Donkey Stallions, for the official year 189 -9 .

Details.	GOVERNMENT HORSE AND PONY STALLIONS.											GOVERNMENT DONKEY STALLIONS.					Country-bred Colts reserved for Stallions.	Remarks.
	Horses.						Ponies.				Total Horses and Ponies.							
	T. B. English.	¾ bred English.	Half-bred English and Norfolk Trotters.	Australians.	&c., &c.	Total.	Arab.	Pegu.	&c., &c.	Total.		Italian.	Spanish.	Arab.	&c., &c.	Total.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
Balance on 1st April 189																		
Increase ... Received by importation...																		
Increase ... Purchased in India ...																		
Increase ... &c., &c.																		
Total ...																		
Decrease ... Died																		
Decrease ... Sold																		
Decrease ... &c., &c.																		
Total ...																		
Balance on 31st March 189 ...																		
In North-Western Provinces and Oudh ...																		
„ Rájpatána																		
„ North Punjáb																		
„ South Punjáb																		
„ Derájat																		
„ Baluchistán																		
„ Central India																		
„ Deccan																		
„ Gujarát																		
„ Sind and Cutch																		

TABLE II.

IMPERIAL REPORT—MILITARY SECTION.

Casualty Roll of Government Horse and Pony Stallions, 189 -9 .

Brand Number.	Name.	Class.	Horse or Pony.	Description of Casualty.	Nature of Casualty.	Remarks.
1	2	3	4	5	6	7

Abstract.

Province.	NUMBER DIED.		NUMBER DESTROYED.		TOTAL.		PERCENTAGE DEATHS.		PERCENTAGE DESTROYED.		GENERAL PERCENTAGE.	
	Horse.	Pony.	Horse.	Pony.	Horse.	Pony.	Horse.	Pony	Horse	Pony.	Horse.	Pony.
1	2	3	4	5	6	7	8	9	10	11	12	13
In North-West Provinces and Oudh ..												
In Rájputána ...												
„ North Punjáb ...												
„ South Punjáb ...												
„ Derájat												
„ Baluchistán ...												
„ Central India ...												
„ Deccan ...												
„ Gujarát												
„ Sind and Cutch ...												

The percentage to be taken on stock existing at the beginning of the year under report.

TABLE III.

IMPERIAL REPORT—MILITARY SECTION.

Government Horse and Pony Stallions sold during 189 -9

Brand Number.	Name.	Class.	Horse or Pony.	Name of Purchaser.	Amount sold for.	Remarks.
1	2	3	4	5	6	7
					Rs.	

TABLE IV.

IMPERIAL REPORT—MILITARY SECTION.

Services and Produce of each Class of Government Horse and Pony Stallion during 189 -9 .

Horse or Pony.	Class.	NORTH-WESTERN PROVINCES AND OUDH.									NORTH PUNJÁB, &c., &c.									TOTAL.								
		Stallions on Register.	Stallions actually employed at stud.		Number of Mares covered.		Average of Mares covered per Stallion employed at stud.		Result of previous year's coverings.		Average result of previous year's coverings, per Stallion employed at stud.		Stallions on Register.	Stallions actually employed at stud.		Number of Mares covered.		Average of Mares covered per Stallion employed at stud.		Result of previous year's coverings.		Average result of previous years' coverings, per Stallion employed at stud.		Stallions on Register.	Stallions actually employed at stud.		Number of Mares covered.		Average of Mares covered per Stallion employed at stud.		Result of previous year's coverings.		Average result of previous years' coverings, per Stallion employed at stud.	
			Year under report.	Previous year.	Year under report.	Previous year.	Year under report.	Previous year.	Number of produce.	Number not held.	Average of produce.	Average of not held.	Average of not known.	Stallions on Register.	Year under report.	Previous year.	Year under report.	Previous year.	Year under report.	Previous year.	Number of produce.	Number not held.	Average of produce.	Average of not held.	Average of not known.	Stallions on Register.	Year under report.	Previous year.	Year under report.	Previous year.	Year under report.	Previous year.	Number of produce.	Number not held.	Number not known	Average of produce.	Average of not held.	Average of not known.
Horse ...	T. B. English ..																																			
	3 bred English ...																																			
	Half-bred English and Norfolk																																			
	Trotters, &c., &c																																			
	Total ..																																			
Pony ...	Arab																																			
	Pegu																																			
	&c., &c. ...																																			
	Total ..																																			
	Grand Total ...																																			

TABLE V.

IMPERIAL REPORT—MILITARY SECTION.

Record of the class of stallions which produce the most suitable and unsuitable stock for Army purposes, as inspected during 189 -9 .

Remount Rearing Depôt	Class of sires of remounts.	Number of remounts inspected.	How allotted.							Percentage of allotments.							Remarks.
			Horse Artillery.	Field Artillery.	British Cavalry.	Native Cavalry.	&c., &c.	Rejected.	Total.	Horse Artillery.	Field Artillery.	British Cavalry.	Native Cavalry.	&c., &c.	Rejected.	Total.	
	TOTAL ...																

TABLE VI.

IMPERIAL REPORT—MILITARY SECTION.

Statement of Country-bred Remounts purchased during the year 189 -9 .

Purchased for	NUMBER PURCHASED.				1½ to under 3 years.	3 to under 6 years.	6 to under 8 years.	8 years and over.	Total.	BREED.				Remarks.
	Horses.	Mares.	Geldings.	Total.						Government sires and branded dams.	Sire not known, and country dams.	Country sires and country dams.	Total.	
Army Remount Department ...														
Native Cavalry*														
Police														
Total ...														

*Give such details as necessary, *e.g.*, Madras, Bombay, Bengal, Punjáb Native Cavalry.

TABLE VII.

IMPERIAL REPORT—MILITARY SECTION.

Casualty Roll of Government Donkey Stallions during 189 -9 .

Brand No.	Name.	Class.	Description of casualty.	Nature of casualty.	Remarks.
1	2	3	4	5	6

Abstract.

Province.	Number died.	Number destroyed.	Total.	Percentage of deaths.	Percentage destroyed.	General Percentage.	Remarks.
1	2	3	4	5	6	7	8
In North-Western Provinces and Oudh.							
„ Rajputtna							
„ North Punjab ...							
„ South Punjab ...							
„ Derajât							
„ Baluchistán							
„ Central India ...							
„ Deccan							
„ Gujarât							
„ Sindh and Cutch ...							

The percentages to be taken on stock existing at the beginning of the year under report.

TABLE VIII.

IMPERIAL REPORT—MILITARY SECTION.

Government Donkey Stallions sold during 189 -9 .

Brand No.	Name.	Class.	Name of purchaser.	Amount sold for.	Remarks.
1	2	3	4	5	6
				Rs.	

TABLE IX.

IMPERIAL REPORT—MILITARY SECTION:

Services and Produce of each Class of Government Donkey Stallions during 189 -9 . . .

Class of Donkey Stallion.	NORTH-WESTERN PROVINCES AND OUDH.																						NORTH PUNJÁB, &c., &c.
		DONKEY STALLIONS ACTUALLY EMPLOYED AT STUD.				NUMBER OF MARES COVERED.				AVERAGE OF MARES COVERED PER STALLION EMPLOYED AT STUD.				RESULT OF PREVIOUS YEAR'S COVERINGS.					AVERAGE RESULT OF PREVIOUS YEAR'S COVERINGS PER STALLION EMPLOYED AT STUD.					
		For mule breeding.		*For donkey breeding.*		*Pony mares.*		*Donkey mares.*		*Pony mares.*		*Donkey mares.*		*Pony mares.*		*Donkey mares.*			*Pony mares.*			*Donkey mares.*		
	Stallions on Register.	Year under report.	Previous year.	Year under report.	Previous year.	Year under report.	Previous year.	Year under report.	Previous year.	Year under report.	Previous year.	Year under report.	Previous year.	Number of mule produce	Number not held.	Number not known.	Number of donkey produce.	Number not held.	Number not known.	Average of mule produce.	Average of not held.	Average of not known.	Average of donkey produce.	Average of not held.	Average of not known.
Italian																									
Spanish																									
Arab, &c., &c.																									
TOTAL ...																									

TABLE X.

IMPERIAL REPORT—MILITARY SECTION.

Statement of Mules purchased by Government in 189 -9 .

Mules purchased for	Total number purchased.	Remarks.
Remount Depôt ...		
Batteries		
Transport		
TOTAL ...		

This information should be obtained from the Remount and Commissariat authorities.

TABLE XI.

IMPERIAL REPORT—REVENUE SECTION.

Cost of feed, keep, attendants, &c., &c., of Government Horse and Pony Stallions, during 189 -9 .

Province.	District.	NUMBER OF STALLIONS OR DAYS.		TOTAL ANNUAL COST.		AVERAGE COST PER STALLION.	
		Horse.	Pony.	Horse.	Pony.	Horse.	Pony.
	TOTAL ...						

TABLE XII.

IMPERIAL REPORT—REVENUE SECTION.

Return of branded or certificated mares and their produce, for the official year 189 -9

Details.			Branded or Certificated Mares.					Produce.					Remarks.
			For Horse breeding.	For Pony breeding.	For mule breeding.	For donkey breeding.	Total.	Horse stock.	Pony stock.	Mule stock.	Donkey stock.	Total.	
Balance on 1st April 189		...											
Increase.	Branded during the year	...											
	Foaled during the year ...	...											
	&c., &c.	...											
		Total ...											
Decrease.	Died	...											
	Sold	...											
	&c., &c.	...											
		Total ...											
Balance on 31st March 189		...											
In North-Western Provinces and Oudh		...											
„ Rájputána		...											
„ North Punjáb		...											
„ South Punjáb		...											
„ Derajat		...											
„ Baluchistán		...											
„ Central India		...											
„ Deccan		...											
„ Gujarát		...											
„ Sind and Cutch		...											

TABLE XIII.

IMPERIAL REPORT—REVENUE SECTION.

Breeders' and other colts castrated by Veterinary Assistants and Salutris paid from Imperial Funds in 189 -9 .

Province.	District.	NUMBER OF COLTS CASTRATED.			No. of deaths resulting from effects of castration.	Remarks.
		Horse stock.	Mule stock.	Total.		
	Total ...					

TABLE XIV.

IMPERIAL REPORT—REVENUE SECTION.

Cost of feed, keep, attendants, &c., of Government Donkey Stallions in 189 -9 .

Province.	District.	Number of stallions or days.	Total annual cost.	Average per donkey stallion.	Remarks.
	Total ...				

TABLE XV.

IMPERIAL REPORT—REVENUE SECTION.

Abstract of particulars regarding each Horse Fair and Show held in the *during the year 18 -9 .*

Fair or Show	Date when Fair or Show was held		Total No. of animals present.		Total No. competing for prizes.		Total No. of horse stock not including branded mares) present.		No. of Remounts purchased.			Prices paid for Remounts.			No. of Mules purchased.			Prices paid for Mules.			Total No. of sales effected.			Prizes awarded.							Amount sanctioned by Government of India for next year's fair or show.
	From	To	Year under report.	Previous year.	Year under report.	Previous year.	Belonging to breeders.	Belonging to dealers.	For Remount Department.	For Native Cavalry.	For Police.	Total.	Highest price.	Lowest price.	Average price.	By Government.	By others.	Total.	Highest price.	Lowest price.	Average price.	Total number sold.	Highest price.	Lowest price.	Average price.	From Imperial Funds.	From Provincial Funds.	From Local and District Funds.	From private subscriptions.	Total.	Amount actually awarded.	Number of Bridles given away.	
Total ...																																

TABLE XVI.

IMPERIAL REPORT—REVENUE SECTION.

Statement showing the Government stallions whose produce won prizes at the Horse Fairs and Shows of 18[illegible].

Classes of sires.	Names of sires.	No. of 1st prizes.	No. of 2nd prizes.	No. of 3rd prizes.	No. of other prizes.	Total No. of prizes.
T. B. English ...						
	Total ...					
½ bred English ...						
	Total ...					
Half bred English and Norfolk Trotters.						
	Total ...					

Abstract.

Classes of sires.	Number of sires of each class.	NUMBER OF PRIZES AWARDED.					PROPORTION OF PRIZES TO EACH SIRE.				
		1st prize.	2nd prize.	3rd prize.	Other prizes.	Total.	1st prize.	2nd prize.	3rd prize.	Other prizes.	Total.
T. B. English ...											
½ bred English ...											
Half bred English and Norfolk Trotters.											
&c., &c.											

TABLE XVII.

IMPERIAL REPORT—REVENUE SECTION.

Dr. *Balance sheet of cultivation operations for the official year 18 -9 .*

No.			
1	Value of lands		
2	" of buildings		
3	" of plant and machinery .		
4	" of farm animals ...		
5	" of wells		
	To Repairs and Additions, &c.		
6	Repairs to buildings		
7	Additions to buildings		
8	Repairs of plant and machinery.		
9	Purchase of new plant and machinery to replace worn-out stock.		
10	Purchase of new plant and machinery as an addition to existing stock.		
11	Purchase of farm animals in replacement of stock sold, died, &c.		
12	Purchase of farm animals as an addition to existing stock.		
	To Establishment.		
13	Share of pay of Superintendent, Civil Veterinary Department		
14	Extra pay to Veterinary Overseer.		
15	Lucerne Garden Establishment		
16	Office Establishment (½) ...		
17	Labor Farm		
	Labor grass conservancy ...		
18	Permanent Establishment ...		
19	Temporary Establishment ...		
	Do. do. grass conservancy.		
	To other charges.		
20	Irrigation and sowing—rent ...		
21	Manure if purchased		
22	Seeds...		
23	Feed of farm animals		
24	Cutting and carting hay ...		
25	Cultivation contingencies ...		
	To indirect charges.		
26	Interest at 4 per cent. on outlay (item 4)		
27	Interest on working capital (⅓ of items 11 to 25).		
28	Probable rent of land under cultivation, if leased out.		
	Savings ...		
	GRAND TOTAL ...		

No.	*By Stock.*		
29	Value of lands		
30	" of buildings		
31	" of plant and machinery .		
32	" of farm animals... ...		
33	" of wells		
	By Sale.		
	Sale of horse stallions		
	" donkey stallions		
	" farm mares		
	" pony mares		
	" donkey mares		
	" horse stock		
	" mule stock		
	" donkey stock...		
	Total ...		

By production.	Out-turn.	Actual cost per rupee.			Amount.			Market rate per rupee.			Amount.		
	lbs.	lbs.	oz.	dzs.	Rs.	a.	p.	lbs.	oz.	dzs.	Rs.	a.	p.
Oats in straw ...													
Green kirbi													
Carrots													
Lucerne													
Hay													
Gram...													
Gram bhoosa ...													
Guinea grass... ...													
&c., &c., ...													
By sundries.													
Subletting grazing lands.													
&c., &c.													
Loss .													
GRAND TOTAL ..													

TABLE XVIII.

IMPERIAL REPORT—REVENUE SECTION.

Return of Instruction Farm Animals, for the official year 189 -9 .

Details.	FARM STALLIONS.									FARM MARES.									FARM PRODUCE.										
	HORSE.				DONKEY.				Total Horse and Donkey stallions.	FARM MARES.				PONY MARES.			DONKEY MARES.			Total Farm mares.	HORSE STOCK.			MULE STOCK.			DONKEY STOCK.			Total produce.	Remarks.
	Arab.	Country bred.	&c., &c.	Total.	Persian.	Home bred.	&c., &c.	Total.		Country bred.	&c., &c.	Total.	Country bred.	&c., &c.	Total.	Home bred.	&c., &c.	Total.		Colts.	Fillies.	Total.	Colts.	Fillies.	Total.	Colts.	Fillies.	Total.		
Balance on 1st April 189 ...																													
Increase { Purchased in India. Foaled during the year. &c., &c.																													
Total ...																													
Decrease { Died... ... ... Destroyed ... ... Sold... ... ... &c., &c.																													
Total ...																													
Balance on 31st March 189 ...																													
In North-West Provinces Depôt																													
In North Punjab Depôt ...																													

TABLE XIX.

IMPERIAL REPORT—REVENUE SECTION.

Casualty Roll of Instruction Farm Animals during 18

Brand No.	Name and Class.	Stallion, Mare or Produce.	Description of casualty.	Nature of casualty.	Remarks.

Abstract.

	NUMBER DIED.			NUMBER DESTROYED.			TOTAL.			PERCENTAGE DEATHS.			PERCENTAGE DESTROYED.			GENERAL PERCENTAGE.		
	Stallion.	Mare.	Produce.	Stallion.	Mare.	Produce.	Stallion.	Mare.	Produce.	Stallion.	Mare.	Produce.	Stallion.	Mare.	Produce.	Stallion.	Mare.	Produce.
In North-West Provinces Depôt.																		
In North Punjab Depôt ..																		

The percentages to be taken on stock existing at the beginning of the year under report.

TABLE XX.

IMPERIAL REPORT—REVENUE SECTION.

Statement of Instruction Farm Animals sold during 189 -)

Brand No.	Name and Class.	Stallion mare or produce.	Name of purchaser.	Amount sold for.	Remarks.

TABLE XXI.

IMPERIAL REPORT—REVENUE SECTION.

Statement showing charges debited to India Estimates during 189 -9 , in connection with the Civil Veterinary Department.

Major Heads.	Inspector-General.	Imperial Bacteriologist.	Assistant to Inspector General.	Superintendent, North-West Provinces and Oudh.	Superintendent, North Punjab.	Superintendent, South Punjab.	Superintendent, Derajat and Baluchistan.	Principal, Ajmere Veterinary School.	Total.	Remarks.
Civil Veterinary Department.										
I.—Prizes at Horse Fairs and Shows										
II.—Establishment—Officers										
Ditto Subordinates										
III.—Travelling allowances—Officers										
Ditto Subordinates ...										
IV.—Contingencies										
V.—Purchase of stallions										
VI.—Stable feed and keep										
VII.—Road expenses										
Instruction Farm										
VIII.—Establishment										
IX.—Contingencies										
X.—Purchase of Farm animals										
XI.—Stable feed and keep										
Total ...										

This statement to be furnished by the Comptroller of India Treasuries.

TABLE XXII.

IMPERIAL REPORT—REVENUE SECTION.

Abstract of tours of Superintendents, Civil Veterinary Department, during 189 -9 .

Rank, name, and designation of touring officer.	NUMBER OF MARES INSPECTED.		NUMBER OF MARES BRANDED FOR—								TOTAL MARES BRANDED.		SUMMARY OF OTHER DUTIES PERFORMED.
			HORSE.		PONY.		MULE.		DONKEY.				
	Year under report.	Previous year.	Year under report.	Previous year.	Year under report.	Previous year.	Year under report.	Previous year.	Year under report.	Previous year.	Year under report.	Previous year.	

PART V.—STALLIONS.

1. The following rules for the care of Government stallions, and remarks on breeding and rearing young stock have been approved by Government.

A.—GENERAL CARE OF STALLIONS.

Feeding.—These horses must be fed liberally on good plain grain and fodder. The ration necessary for each animal will vary according to his size, age, make and digestive powers; also according to the season and the amount of work he has to do. Old horses usually require more than young ones; those that have been much raced than those that have not. Horses in full work should have as much grain as they can digest; when more is given, the dung becomes broken and foul, which is the sign for decreasing the allowance and giving some extra green food and bran for a time. The same applies also in case of constipation. The extreme ration of grain would be from 6 lbs. for a small Arab galloway to 12 lbs. for a large English or Colonial; this includes every kind of grain given.

Kinds of Grain.—*Gram* is the most common food in this Presidency and, all things considered, is probably the best; but kulti, in use in the southern parts, is almost equally good; it requires to be boiled.

Bâjri is sometimes given, and is not objectionable; made into bread and given with spices, it is useful in restoring the condition and vigour of horses that have become "tunda."

Mutt also is a nutritious and useful grain; it requires to be well steeped and without that is dangerous.

Barley is less often used, and never as the only grain ration. Sometimes, especially if parched, it is advantageously given with gram for the purpose of restoring horses' condition.

Bran (wheaten) is useful as a laxative when given in the form of mash, that is thoroughly scalded. When horses are not in full work, a little may be given in lieu of a portion of grain ration, substituted weight for weight. But much of it, unless properly scalded, which is seldom done, is dangerous, causing constipation and colic.

FODDER.—*Dry Grass, Kirby* and *Huriali.*—These vary very much in different localities and seasons, and great care is always necessary in selecting the best procurable. The daily ration will vary with the size of the horse and the quality of the fodder, kirby being the most nutritious, dried huriali next, and dry grass least; say from 15 lbs. to 25 lbs. per diem; and, if horses are travelling, an additional allowance must be made for waste.

GREEN FOOD.—*Lucerne Grass* and *Carrots.*—A little of each of these, when procurable, is useful

in keeping horses in health; and they may be given more largely in cases of sickness or debility. Ordinarily 10 lbs. of the former and 5 lbs. of the latter is as much as should be allowed, to be doubled in case of sickness, &c.

The natives believe that carrots make a horse "tunda"; and, though it is probable there is no truth in this, their prejudices have often to be considered.

Green kuriali would be valuable if its purity could be ensured, but this can hardly ever be done, and the mixed grasses brought by grass-cutters are dangerous; better, therefore, eschewed.

Mussalahs, Spices, Condiments.—The constant or frequent use of these things, of which native horse-owners and attendants are so fond, is most injurious. They are given with the view to stimulate and increase a horse's vigour: perhaps they may do so for the time, but in the end they tend most materially to weaken those powers. They should never be allowed except in case of sickness, and then only under advice.

Salt.—This, on the other hand, is very beneficial, and should form a part of the horse's daily ration. The best way is to give a lump of rock salt, which he may lick at pleasure; failing this, half an ounce daily may be given in the food.

General Remark.—A little variety of food occasionally is as desirable and pleasant to horses as to men; but sudden and great changes are to be avoided.

Water.—Care is requisite that this is always pure and sweet; that from running streams or wells is to be preferred, stagnant water being avoided as far as possible.

It is essential that horses should always be watered before they have their grain; to do so afterwards is most dangerous, and many horses' lives have been sacrificed thereby.

On this point natives generally think the contrary, and they are very obstinate about it; but this is a case in which their prejudices are on no account to be given in to, and stringent measures are requsite to compel the syces to act as above directed.

In hot weather the horses should be watered three times a day, say after the morning's walk, at 11 A.M. (being fed at noon), and again after the evening's walk. In very hot places and seasons another pailful, the last thing at night, would be a great comfort to them. In cold weather twice daily would be sufficient, say half an hour before the morning and evening feeds respectively, care being taken as regards the first that the water is not too cold.

The best plan of all is to leave a large tub of fresh water always within a horse's reach.

Exercise.—The necessity of giving this to Government stallions is too often ignored; and the want of it prevents horses digesting their food properly, and so makes them lose condition. Every horse in health should be walked out at a good brisk pace for at least an hour morning and evening; or, where practicable, it is better to make them walk a certain distance, say, four miles twice a day, or five in the morning and three in the evening.

When the syce is good and trustworthy, he may with advantage be allowed to ride the horse at exercise, but only at a walk.

Grooming.—This also requires much looking after; it is as essential to perfect health and condition as food and exercise are. It should be done chiefly with the horse-brush, the hand rubber (hatali), and with the hand. The use of curry-combs on the thin skins of blood-horses is irritating, injurious and unnecessary.

The test of good grooming is a glossy coat, the absence of stain on the fingers when the hair is roughed up the wrong way, and of scurf in the mane and tail.

Washing.—This is a useless and dangerous practice: useless, because it can never take the place of grooming; dangerous, because it is so apt to cause rheumatism, kumri, catarrh, bursati, grease, &c. This is another point on which syces are very obstinate; they think it saves trouble; the temptation also to wash the stains off light grey and white horses is great, while with them the risk is greater than with others, as they are more liable to the above diseases.

Many officers and others, who ought to know better, still maintain that washing horses is a good thing. A little thought will show the futility of it as a means of really cleaning a horse's skin; all it can do is to remove extraneous dirt from the hair. The scurf and dandruff, which it is the object of grooming to remove, remain more firmly caked on the skin after washing than before. The danger of washing has been proved by the observation of many professional men extending over many years.

It arises from the almost impossibility there is of properly protecting horses from drafts of wind, all our stables in this country being so open; and from the carelessness of syces in not drying horses after they have been washed. They only wash horses to save themselves trouble, whereas, if properly done, it is more trouble than ordinary grooming; for after washing safety requires that the horse should first be thoroughly dried, then clothed and trotted till he sweats a little, then dried again, be clothed lightly and walked about till the natural temperature of his skin is restored.

Cleaning the feet, an essential part of grooming.—The feet must be picked out twice at least

daily, and always be kept clean and dry; otherwise, especially where the horse cannot be regularly shod, disease is certain to supervene.

Shoeing.—Many horses, particularly Arabs, have such strong and sound feet that they do not require to be shod at all, epecially when there is no travelling and their exercising ground is not stony; in such cases shoeing is best dispensed with. Most English horses, however, and all horses with weak or flat feet, must be shod; and in that case it should be done as regularly as possible once a month, and care should be taken to employ the best workman within reach; and those in charge should see that the shoes put on are large enough, and that no rasping of the outer crust is allowed, nor any paring of the sole and frog.

Stables.—Ventilation.—The stable windows and all apertures (ventilators) in the walls, below and above, and through the ceiling should always be kept open.

Cleanliness necessary.—The floors of the stalls must always be kept clean and level. Dung and urine are to be immediately removed and dry earth placed upon the floor where the urine has fallen. The evacuations, soiled portion of the bedding and foul earth of the floor, should be thrown to a distance to prevent offensive smells reaching the stables. If these precautions are not strictly observed, the stallions are likely to get sick and their feet to become diseased.

Bedding.—A sufficient quantity of bedding must be provided to enable the horses to lie down comfortably. Every morning it should be exposed to the sun to dry, and when it gets old, it should be thrown away and replaced by a fresh supply.

Stallions, when in the stable, are not to be tied up except when being groomed. Head and heel ropes are not to be used.

B.—SERVICES OF THE STALLIONS.

Number of Mares allowed.—One mare in four days is enough for a horse: more will overtax his powers: but it is sometimes difficult to adhere rigidly to this limit, without disappointing the owners of mares, who often come from a distance. It must be noted, however, that when horses cover too frequently, a smaller proportion of the mares hold; and this is just as disappointing to owners as not having their mares covered at all; and in addition the horse is injured, both actually and in his reputation. During the busy time the horse should have extra grain. Horses that have become "tunda" must have complete rest, and if necessary be put under treatment till fully restored; and afterwards their mares must be still more restricted in number.

Mares covered twice.—This is customary, whether necessary or not; properly the horse should be offered a second time after an interval of three

days; but natives coming from a distance can seldom wait so long, and a mare has generally to be covered on two consecutive days, or even morning and evening of the same day. Though this is objectionable as regards the horse, and probably useless as regards the mare, it is better to allow it than to send owners away discontented.

In many parts it is customary to have mares covered shortly after foaling, and the practice is not objectionable. Mares are believed by many to hold better then.

Choice of Stallion.—Theoretically this would best be left to the owner of each mare presented; but practically that is impossible, as natives nearly always choose the largest horse in the stud, and he would soon be worked impotent. Therefore, the selection must generally rest with those having charge of the stallions, who are seldom men with the requisite knowledge and discernment to match horse and mare judiciously; and so, too often, service goes by roster, the horse whose turn it is is brought out whatever the mare may be like; but it is very desirable selections should be made and with that view the following suggestions are offered:—

Suggestions—1*st*.—Regard should be had to mere size. The horse may be somewhat larger than the mare but a great disproportion is both dangerous and useless; the mare may be injured, and the result is not satisfactory; for the size of the progeny depends more upon the dam than the sire.

2*nd*.—The most prominent defect in the mare presented should be noticed, and a stallion selected that is good on that particular point. For instance, if a mare has long, weak, sloping pasterns, the horse must have them short, strong and, if anything, somewhat upright; if she has crooked hind legs, weak "sickle hocks," as so many country-bred mares have, the stallion chosen must have a straight, dropped hind leg with large bony hocks.

Every horse and every mare has a worst point: the thing is to see that both have not the same, so that the good may counteract the bad.

3*rd*.—The breed of the mare has to be considered, more especially with half-breds, which ought now to be coming forward as brood mares in large numbers; and to breeding from which we must mainly look to effect any permanent improvement in the breed of the country.

The principle to go upon is, a cross once effected to continue using stallions of the same breed as the one first crossed with. Thus, a mare by an Arab sire out of a country-bred dam should be put to an Arab stallion; one by an English sire to an English stallion. By these means, in the course of generations, a pure and lasting breed may be established; whereas, by constantly

changing from one breed to another, a mongrel race is produced, which can never be permanent.

The majority of the Government stallions being Arabs, this general rule may easily be attended to with regard to their progeny: but the English horses being so few, in their case exceptions must be allowed. It may even sometimes be advantageous to begin with the English cross, for the sake of obtaining size, and then to recur to Arab; but, when this is done either from necessity or from choice, the use of Arabs should be continued for many succeeding generations.

The general principle should be that the necessity for a cross to start with being admitted, subsequently purity of breed should be aimed at, and for that purpose stallions of the same breed and blood, if possible, should always be used; because chopping and changing, and frequent intermixture of breeds, must produce mongrels, probably useless, certainly evanescent as a breed.

4th, Unsoundness.—The above remarks, as regards weak points, apply with still greater force to unsoundness of an hereditary nature. A mare with spavined hocks, if bred from at all, should be put to a horse particularly clean in that point. If both sire and dam have spavins, their foal is almost certain to have them or get them when put to work.

So far as possible, breeding from unsound mares should be discouraged, and when the stallions are otherwise in full work such should be unhesitatingly rejected, as well as mares in very poor order or otherwise unsuitable to breed from.

The most common hereditary unsoundnesses are spavins, ringbones, ossified fet-locks, splents, cataracts.

C.—BROOD MARES.

Care of, before being covered.—This is little thought of by native owners, and not much is required beyond seeing that, on the one hand, they are not kept too fat and gross, as then they are not likely to hold; and on the other, that they are not over-worked, half starved and poor. A mare in fair working order, the result of good food and plenty of air and exercise, will be much more likely to come in "season" at the usual time, to hold when covered, and to throw without trouble or risk to herself a healthy foal, than a mare in either of the extremes previously mentioned.

Subsequent care.—During the time of gestation the mare requires a liberal diet, but overfeeding must be avoided; plenty of exercise, but without violence; and a large supply of fresh air, without exposure to bad weather. For the first six months her ordinary work, hack or other, may be continued; for the next three it must be lighter and slower; for the last two, to be a little more than walking exercise, but the more of that the better.

In some breeding districts, mares in foal, the more valuable ones particularly, are shut up without light and air, are highly fed and get no exercise. This system is perhaps even more injurious to the mare and detrimental to the coming foal than the opposite one, which leaves brood mares loose in the jungle to forage for themselves, though that too often means to be half starved.

Foaling.—At this time mares require, above all things, to be left alone. Given plently of room and left undisturbed, all generally goes well; assistance is very rarely required; and ignorant, unnecessary interference does harm and may endanger the life of the foal.

Afterwards.—In different parts of the country many fanciful practices are in use, for the supposed good of the mare and foal just born. I am not aware that any of them are actually injurious, and so it is better not to interfere with all-powerful custom; but now as during foaling the chief thing is to leave as much as possible to nature; feed the mare moderately well on soft and green food to keep the bowels open, allow plenty of liberty and fresh air, and nothing more is required for the first two months.

D.—REARING YOUNG STOCK.

Time of Nursing.—In Káthiáwár and some other breeding districts, it is customary to wean the foals at two months old, because, they say, longer suckling weakens the mare. This is a great mistake: all other of the larger mammalia suckle their young for much longer periods; as mares do in other districts, without detriment to themselves, and with positive benefit to the foals, who at two months are far too young to depend entirely on artificial food. A longer period of suckling need not interfere with the mares being moderately worked; indeed, it is better they should be, and if the foals accompany them on short journeys and excursions, the exercise thus obtained is most beneficial in hardening their legs and strengthening their muscles and sinews. The practice now advocated, as regards the larger and more valuable mares and foals, is in force as regards ponies; and to this cause it is greatly owing that Indian tattoos are so hardy and enduring, while Indian horses are so soft and unsound in their legs.

Artificial food.—If not weaned at two months, however, foals should then begin to have some artificial food. Those who can afford it give grain steeped in milk; others grain alone or milk; others merely what fodder is available. It is impossible to lay down any fixed rule as to what, and how much should be given; but no man can do wrong in feeding his young stock well, provided he gives at the same time a due proportion of exercise. The best fodder for brood mares and young stock which can be found in the cuntry

is a weed which over-runs many fields and injures the crops; this is "huriali," and if the farmers could be taught to recognize and save this grass, both their crops and their colts would benefit greatly thereby.

Exercise.—Here I find that native horse-breeders generally run into opposite extremes; the wealthy, horse-loving but custom-bound chiefs and gentlemen of Káthiáwár feed their foals highly and keep them shut up, often in dark stables or houses. The consequence is soft big bodies, with soft little legs, which become unsound when put to work. The poorer cultivators of the Deccan, on the contrary, feed their foals insufficiently, but give them a good deal of liberty; and here we get stunted animals with sound, large hard limbs: animals far better for work than to look at.

What we want is a happy combination of the two; let those who now feed their foals well continue to do so, but let them give plenty of liberty and exercise from the very day of birth until it is time for them to be put to work. Let those who now starve their foals be encouraged to spend a little money in feeding them, without in any way curtailing their liberty.

Breaking in.—Where foals have been reared in confinement and without exercise, this too often means breaking down. By suddenly taking a young colt from a completely idle life, and backing and riding him, he is very apt to get injured in his limbs somehow; and so it is that we see so many unsound horses where this practice prevails. With freedom and exercise, on the contrary, the bones and sinews become firm and strong, and the breaking in of colts may be undertaken with comparative safety, even at the early age at which Natives generally begin to do so. That they often do so too early is undoubted, which with the manner of doing it, with tight bearing reins and legs tied together, is most injurious and ruins many promising foals, causing injuries to the limbs, unsoundness, and at the best cramped and unnatural action.

Many brood mares also are permanently damaged, and their value lessened by the barbarous manner in which they are hobbled.

Sale of Colts and Fillies.—I would repeat that our main hope of establishing a permanent and good breed of horses in the country depends upon the mares, the produce of the imported stallions being retained for breeding purposes, and being put to horses of the same breed and blood as their sires. Every possible encouragement, therefore, should be given to breeders to keep their fillies and sell only or geld their colts.

Castration.—The advantages of this practice are many and great.

First as regards the animal himself. A colt when castrated is much more easily kept, he requires less food, and as he may with safety be let loose to graze, he can find a good deal of that food for himself, while the liberty and exercise develop his bone, muscle and sinew, and he grows into a much finer horse than the entire colt which must always be kept tied and gets insufficient exercise and depends for his food on what is brought to him.

Valuable prizes are given at all the horse shows for geldings.

Then as regards the breed of horses, the general introduction of the practice of castration would do more than almost anything else to improve it, as then only selected stallions would be used and that promiscuous or accidental intercourse between horses (or tattoos) and mares, which is now so frequent and so detrimental, would be prevented.

Another advantage of all colts being geldings would be that then mares and fillies could be allowed that liberty which is so good for them, but which now has to be refused on account of the risk of a stray stallion pony getting at and covering them—an accident that often happens now, though mares are kept so much tied up.

Use of half-breds as Stallions.—This should be particularly discouraged, as none but purely bred horses can favourably influence the progeny.

(G. Rs. Nos. 3295, dated 10th June 1873, and 1775, dated 15th March 1882.)

2. The following rules for the care of Government stallions are to be posted up in each stallion's stable:—

I. *Ventilation.*—The stable windows, and all apertures (ventilators) in the walls, below and above, and through the ceiling, should always be kept open.

Between the hours of 10 A. M., and 4 P. M., during the hot months, when flies are troublesome, and in the winter nights when the air is cold and chill, the chicks of the doorways should be let down.

II. *Stables to be kept clean.*—The floor of the stalls should always be kept clean and level.

Dung and urine to be immediately removed, and dry earth placed upon the part where urine has fallen.

The evacuations, soiled portion of the bedding, and foul earth of the floor, should be thrown at a distance, to prevent offensive smell reaching the stable.

If these precautions are not strictly observed, the stallions are liable to get sick and their feet diseased.

III. *Bedding.*—A sufficient quantity of bedding must be provided, to enable the stallions to lie down comfortably.

Every morning the bedding should be exposed to the sun to dry.

When the bedding gets old, it should be thrown away, and replaced by a fresh supply.

IV. *Gate of the Stallion Stable compound.*—To prevent other horses coming into the stallion stable compound, a strong gate should be erected, and walls (not less than five feet high) built around the compound.

V. *Tying up Stallions prohibited.*—Stallions, when in the stable, are not to be tied up except when being groomed.

Head and heel ropes are not to be used.

The doorways of the stalls should be fitted with strong gates.

VI. *Watering.*—Stallions should be watered three times a day, and should not be fed till half an hour after watering. A horse when watered soon after eating grain, is very liable to get gripes.

VII. *Feed of Stallions.*—The following is the average ration per diem for stallions, large horses receiving more, small ones less, *viz.* :—

8 lbs. of well-crushed gram. or of kulti, boiled, or half and half of each.

2 lbs. bran.

20 lbs. dry grass or kirbi or 40 lbs. *huriali* grass.

10 lbs. lucerne grass. } When procurable.
4 lbs. carrots. }

If the horse can eat more than 40 lbs. *huriali* it should be given to him.

VIII. *Grooming.*—Stallions should be well groomed with the brush twice a day.

The brush is to be cleaned with the curry-comb.

The curry-comb is not to be applied to the horse.

When the horse is not properly groomed, he is liable to have skin disease.

IX. *Washing prohibited.*—Stallions should not be bathed or washed; either one or the other is likely to produce rheumatism and weakness of the loins.

X. *Exercise.*—Stallions to have about two hours of fast walking exercise, morning and evening, at a place unfrequented by the other horses.

XI. *Picketting Stallions out at night.*—During the summer months, when the stables are hot at night, the stallions should be picketted out in the stable yard (surrounded by a wall or rail fence) tied by the head only, from 7 P.M. to 4 A.M.

Heel ropes are not to be used in picketting the stallions.

XII. *Stallions to be shod.*—Stallions are to be shod when shoes are deemed necessary.

When shod the shoes should be removed, the feet duly reduced, and the old or new shoes applied, once a month.

XIII. *Serving of mares.*—A stallion should not be allowed to serve more than twice in one day (either one mare twice or two mares once each), *viz.*, once in the morning and the other in the evening.

He is not to cover more than five times during the week.

He is not to serve more than 50 mares during the year without the sanction of the Superintendent, Civil Veterinary Department.

When a mare is being covered, both her hind-legs and one fore-leg should be hobbled in the usual way.

XIV. *Only* ⅄ *and* D *branded mares to be served.*—Only mares that have been inspected, branded ⅄ or D and registered, will be served by the stallions.

It is strictly forbidden to allow any other mares to be covered by Government stallions.

Mares branded ⅄ but under four years of age, are not to be served.

XV. *Fees, covering, prohibited.*—No fees of any kind are to be given or received.

The Government stallions are allowed to cover ⅄ and D branded mares gratis.

Zilladárs and stallion-keepers are strictly forbidden to receive any fees directly or indirectly from the owners of mares.

XVI. *Sickness.*—In the event of a stallion becoming ill or getting injured, a report should be sent to the Superintendent, Civil Veterinary Department.

Should the sickness or injury be of a serious nature, and the stallion fit to be moved, he should be at once sent to the depôt hospital for treatment.

If any stallion is found to be weak, he should not be allowed to serve, and a report regarding his state should be submitted to the Superintendent, Horse-Breeding Operations.

When a stallion is found not to fill his mares, the circumstance should be reported to the Superintendent, Civil Veterinary Department.

Stallion-keepers should always have ready at hand the usual colic mixture and an enema pipe by them, so as to be able to treat such stallions as may get gripes.

The mixture to be given as directed.

As long as the symptoms of gripes continue, clysters of tepid water and oil should be administered.

(G. R. No. 6223, dated 9th September 1882.)

3. Government stallions should, as far as possible, cover not less than seven mares per mensem. (G. R. No. 3154, dated 2nd June 1881.)

4. Mares should at the desire of their owners be allowed to be covered twice, and a certificate should be promptly granted to the owner of each mare served. The officers in charge of the stallions should be careful in observing these instructions and prevent all cause of complaint on the part of the people. (G. R. No. 2651, dated 24th April 1882.)

5. No Government stallion should be allowed to remain in the same district for more than five years, so that the chance of his own fillies being served by him may be prevented. (G. R. No. 2155, dated 18th March 1886.)

6. In order to prevent the purchase of unsuitable stallions, all stallions to be maintained from Local Funds as well as others should be purchased or provided through the Superintendent, Civil Veterinary Department. (G. R. No. 6924, dated 19th November 1881.)

7. The Superintendent, Civil Veterinary Department, should be consulted before Government stallions are transferred to Native States. Government are not prepared to admit without reserve that it is for them to supply Government stallions to Darbárs, even if the latter agree to pay for the maintenance of the animals. There would seem to be no reason why a Darbár requiring superior stallions for breeding purposes should not purchase them in Bombay or elsewhere through either its own agents or the Superintendent, Civil Veterinary Department, who would doubtless be glad to render any assistance needed in the selection of suitable animals. (G. R. No. 2519, dated 1st April 1886.)

8. The system in Bengal, under which Native Chiefs and others are allowed to purchase Government stallions for *bonâ fide* stud purposes, is extended on the same terms to the Bombay Presidency. (G. R. No. 2110, dated 23rd March 1891.)

9. Whenever stallions are either sold by Government to, or purchased by Government on behalf of, District Boards or Court of Wards and other Estates, an undertaking should be obtained from the Board or Estate concerned that whenever it is intended to sell any stallion so obtained, the refusal of him will first be given to the Military Department. (G. I., R. & A., No. 1—7, dated 13th January 1893; *vide* G. R. No. 890, dated 1st February 1893.)

10. No English stallions less than 4 years old should be allotted for stud work in the Bombay Presidency. (G. R. No. 3564, dated 2nd May 1896.)

11. The retaining in depôt of all English stallions for the first year after their arrival in India, with the view of allowing them to have due care and management, with reference to their becoming accustomed to Indian grains and forage, and acclimatized, is a course that has been adopted, with satisfactory results, in the Bengal Presidency, and should be adopted in the Bombay Presidency. (G. R. No. 7813, dated 22nd December 1881.)

12. One-half of the *entire* charges incurred on account of the maintenance of all Government stallions stationed in any district should be defrayed from Local Funds.

In any case where a Collector is of opinion that the number of stallions kept in his district is distinctly in excess of the requirements of his Collectorate he should bring the matter to the notice of Government with a view to a reduction in their number, and consequently in the incidence of the charge on Local Funds. But if the number exceeds the need merely because the owners of mares either through apathy or prejudice refrain from availing themselves of the services of horses of a superior class, care should be taken to impress on such persons the advantages to be gained from the employment for breeding purposes of the Government stallions in preference to the weedy and unsound animals which are only too often used.

(G. Rs. Nos. 612, dated 28th January 1882, 7568, dated 30th October 1882, and 250, dated 11th January 1883.)

13. The expenses attendant upon the moving of stallions from one district to another should be defrayed from Provincial Revenues. (G. R. No. 250, dated 11th January 1883.)

14. The cost of construction and repairs of stallion stables should be regulated by the orders contained in the following memorandum from the Financial Department, No. 467, dated 3rd February 1893 :—

"The first question for consideration in these papers is whether the District Local Board of Ahmedabad is liable for the whole cost of repairs to stallions' stables in that district. In Government Resolution No. 1584, dated 25th May 1888, these works are classed as Local* ; but as stated by the Accountant General in his letter No. L. F.—18418, dated 6th October 1892, and as is evident from the memorandum from the Public Works Department, No. 86 A., dated 18th January 1888, this was done, not with a view to throw the whole cost of repairs on the Local Funds. The remarks made in para. 5 of that memorandum show that the Local Boards are not under a legal obligation to disburse that cost, and that what is expected from them is a voluntary contribution towards it. The Commissioner, Northern Division, observes that, as the charges on account of the maintenance of Government stallions in the Ahmedabad District are equally divided between Government and the Local Fund, it would be inequitable to require the Local Board to bear all the charges on account of repairs. There is no objection accordingly to the Local Board contributing a moiety only.

"The second question which arises for consideration is whether the Public Works or the Civil Department should bear the other moiety of the repairs charges ; and it can be disposed of in the light of the remarks contained in para. 5 of the memorandum from the Public Works Department, above referred to. It will be seen therefrom that, in the case of buildings costing below Rs. 1,000, the moiety will have to be provided from the Civil Budget, and in the case of those

* Under later orders passed in Government Resolution, Financial Department, No. 2467, dated 24th July 1896, stallions' stables are to be classed as "Provincial."

costing above Rs. 1,000, it will have to be provided from the Public Works assignment. In the present case, the stallions' stables in the Ahmedabad District are borne on the Public Works List, and presumably, therefore, their cost is above Rs. 1,000. The Public Works Department should, therefore, bear a moiety of the charges for repairs, unless it can show that the cost of the building is below Rs. 1,000."

(G. R., P. W. D., No. 171A.-645, dated 21th April 1893; *vide* G. M. No. 4068, dated 5th June 1893.)

15. The stallions belonging to the Civil Veterinary Department in this Presidency should be branded with a progressive register number, the horse on the near saddle-place and the donkeys on the near hind-quarter. This practice will allow of detection in case of an animal being stolen or, in the event of an animal dying, of having the branded portion of his hide submitted with report of the death. (G. R. No. 2156, dated 18th March 1886.)

16. The horse-breeding brand in the Bombay Presidency should be **V I**, instead of the broad arrow. (G. R. No. 4410, dated 24th June 1890.)

17. Collectors should take pains to obtain for the Superintendent, Civil Veterinary Department, accurate information regarding the number of foals resulting from the coverings of Government stallions. (G. R. No. 5833, dated 13th August 1886.)

18. District officers should furnish the Superintendent, Civil Veterinary Department, with quarterly returns containing information as to the number of mares covered by each Government stallion in their charge, at the same time giving their opinion if the results are unsatisfactory. On receipt of such returns the Superintendent will take steps to remove the stallion from the stand if found necessary. (G. R. No. 5416, dated 29th July 1889.)

19. In all cases in which the sale or destruction of stallions is recommended, the Superintendent should report when and how the animals were obtained for Government. (G. R. No. 8369, dated 15th December 1888.)

(2). As the Bombay stallions are under the control of the Local Government, the sale-proceeds, should that Government in the due exercise of its control and in regular course of business dispose of a stallion, are properly credited to Provincial Revenues, so long as according to the contract in force for the time being they fall under a Provincial head of account.

(G. I., R. & A., No. 753-12-2, dated 20th May 1897; *vide* G. R. No. 4535, dated 16th June 1897).

20. The supervision and management of the Government stallions stationed at the Ahmednagar depôt and the work of keeping accounts connected with it should be conducted by the Superintendent, Civil Veterinary Department, whose head-quarters office is now established at Ahmednagar. This order relates solely to the Government stallions stationed

at the Ahmednagar depôt; it does not refer to the stallions stationed in the Ahmednagar District. In the case of the latter animals, the system previously in force remains unaltered. (G. Rs. Nos. 2387, dated 2nd April 1890, and 4998, dated 18th July 1890.)

21. The following arrangements have been sanctioned for the allotment, receipt and transmission of stallions imported by the Civil Veterinary Department:—

(1). The horses and donkeys imported by the Civil Veterinary Department should, on arrival in Bombay, be handed over to the Principal, Bombay Veterinary College; and the animals intended to be sent to Babugarh should not be detained in Bombay longer than is absolutely necessary.

(2). The Superintendent, Civil Veterinary Department, should submit to the Inspector-General, Civil Veterinary Department, a report as to the suitability of the animals allotted to the Bombay Presidency, as soon as possible after their arrival.

(G. Rs. Nos. 5359, dated 16th July 1895, and 8002, dated 14th October 1895.)

22. The Government of India have no objection to the utilization of any balance of the sums granted for loans under the Agriculturists' and Land Improvement Loans Acts as loans on the responsibility of the Local Government to local bodies and land-owners, who are willing to purchase stallions, but cannot afford to pay down the whole cost at once. In cases where the stallions are to be used for agricultural operations, the loans may be made under the provisions of the former Act. But where such is not the case, the recovery of the advances should be regulated by the rules under the Act so far as they may be found applicable.

An account of any loans granted in accordance with these instructions should be given in the annual report of the veterinary officer of the province.

As far as possible, the purchase of stallions should be effected under the general advice of the Inspector-General, Civil Veterinary Department, who has been permitted to maintain at Babugarh a reserve of stallions of suitable quality for supply at a reasonable price to local bodies, Court of Wards' estates, land-owners and others who may, under such rules as the Local Government may prescribe, make application for them.

(G. I., R. & A., No. 26-26, dated 14th July 1892; *vide* G. R. No. 6344, dated 5th August 1892.)

23. The Superintendent of the Civil Veterinary Department should report for the previous sanction of the Survey Commissioner and Director of Land Records and Agriculture proposed transfers of stallions from one district or station to another. (G. R. No. 4384, dated 19th June 1893.)

PART VI.—HORSE AND MULE-BREEDING OPERATIONS.

1. The attention of the Government of India having been attracted to the Resolution of the Government of Madras, No. 2683, dated the 30th April 1880, recorded in the proceedings of that Government, No. 515 of April 1880, fixing from Rs. 40 to Rs. 60 as the price that Government will be prepared to pay for yearling mules, the produce of Government donkey stallions and private pony mares, passed by the Government officer in 1880-81, 1881-82 and 1882-83, the Government of India intimated that such a measure was not contemplated by them, being a deviation from the principles laid down by them for the encouragement of the horse and mule-breeding industry in India.

The course open to the Government of Madras, to hold out inducements to encourage the industry, was to offer prizes.

The Government of Madras having protested against power being withheld from them to sanction compensation for a pony mare which died after being covered by a donkey stallion when already in foal, the Government of India observed that the question was not as to permission being withheld from the Government of Madras to be allowed to sanction payment of such trifling expenditure as that brought to notice, but as to the introduction, by means of such payments, of a system which the Government of India, after dearly bought experience, had deliberately condemned as costly and inefficient.

The object of the Governor General in Council is to secure adherence to the principles laid down, by the adoption throughout India of the system which was deliberately sanctioned by Government as being not only the most efficient but also the most economical.

This is the system which has met with so much success in the Punjáb, and which is recommended as the only economical system, and which, briefly, is simply the free supply of Government stallions to branded mares, the brand imposing no obligation and conferring no claim on either side beyond the right to the services of a Government stallion, the liberal grant of prizes at fairs and shows, and the ready purchase of the produce, *when fit for work*, at remunerative rates.

The grant of any adventitious aid, either in horse- or mule-breeding operations, is deprecated by the Secretary of State and the Government of India; and it is considered advisable to introduce from the outset the system which is to be permanently maintained, and to try the experiment in a legitimate way rather than to foster an artificial and expensive system which must eventually be given up, or try and bribe the people into pursuits for which they may not be naturally inclined, by the offer of bonuses for each foal dropped, or by the purchase of yearling stock to be kept at the expense of Government for three years before it can be fit for use.

The success of the scheme of mule-breeding is mainly dependent on the interest district officers take in it; and if their efforts are rightly directed, there is every reason to hope that the system which has taken firm root in the Punjáb, with excellent results, will, in time, materially improve the native breeds, and that eventually there will be a supply of mules for military purposes available in India itself, and produced without the direct intervention of the State.

(G. I., M. D., No. 1590-S. D., dated 24th September 1880; *vide* G. R. No. 6117, dated 19th November 1880.)

2. The *presentation* of cast mares fit for brood purposes to breeders for the encouragement of the mule-breeding industry is inexpedient as being a departure from the principles laid down for the operations of the Department of Horse-Breeding Operations, *viz.*, that the only direct aid to horse and mule-breeding operations should be the free use of Government stallions, the grant of prizes at fairs and shows, and the purchase at liberal market-rates of the produce. (G. I., M. D., No. 1801-S. D., dated 14th October 1880; *vide* G. R. No. 6224, dated 24th November 1880.)

3. Both in the interests of the public and the State, it is of great importance that the indigenous supply of these useful animals should be improved and increased, and that an industry, at once easy and profitable, should be fostered among the agricultural population. (G. I., R. & A., No. 21-113, dated 1st June 1893; *vide* G. R. No. 5722, dated 8th August 1893.)

4. The following letter from the Inspector-General, Civil Veterinary Department, No. 35, Revenue and Agriculture, dated 14th May 1890, to the address of the Government of India, was circulated to the Collectors with a view to its contents being made generally known among the local and municipal bodies and agriculturists throughout their respective districts. The district authorities were also invited to promote the measures advocated by the Government of India by explaining to the people the profits and advantages of mule-breeding, and it was directed that the action taken by the several officers concerned and the progress made by them in the development of the mule-breeding industry should be noticed in the annual veterinary and agricultural reports:—

"In reply to your No. 1460-3-8, H. B. & A. S., dated 26th March 1890, I have the honour to submit, for the consideration of the Government of India, my views regarding the desirability, I may say necessity, of developing the mule-breeding industry in all districts where horse, pony or donkey-breeding are found to be successful—

(1) With regard to obtaining a sufficient supply of mules bred in India for army purposes, also for the public, I have to note that the supply of mules is not sufficient either for the army or public. Indian-bred mules are admirably suited for army and pack work, being very

hardy and, as a rule, docile; can be bred at a very moderate cost; can be bought at a price remunerative to the breeder and at a much lower price (including cost of transit, &c.) than is paid by the Government for mules purchased in Persia and other foreign countries. It, therefore, is obvious that mule-breeding should be fostered and developed in India, in order that all the money paid for mules should be received by the breeders of India and not sent to foreign countries. Moreover, with reference to army requirements, it is expedient that measures be adopted to guarantee a sufficient home supply of mules for army purposes.

(2) The Government of India provide 325 donkeys for the mule-breeding districts of Northern India and Bombay, and these stallions are distributed in the districts where mule-breeding is carried on; but the number is found insufficient, and frequently indents are made on the Civil Veterinary Department for more donkeys. I would therefore earnestly suggest, for the consideration of Local Governments, the desirability of increasing the number of stallions in those districts where more are required, and of enjoining Civil Officers to do their utmost to inaugurate mule-breeding in districts where horse, pony, or donkey-breeding may be carried on with success, and in other districts where there is reason to believe the industry will thrive.

"2. With regard to introducing mule-breeding in districts where the industry has never been attempted, either on account of this class of animal not having been required, or perhaps from objections having been raised to the producing of the mule, I am aware it has been stated that Hindus have an objection, on moral grounds, to allow their horse or pony mares to become mule-breeders, believing that the mares must be raped by the donkey; but as nature allows the hybrid to be produced under ordinary circumstances, for example, when a male donkey is let loose with pony mares, and mules are thus produced; moreover, when it is found that the mule is a more useful and valuable animal, there can be no reason remaining why advantage should not be taken of the hybrid being secured. I would here bring to notice that 14 years ago, mule-breeding had never been attempted in the North-Western Provinces; but on the representations made to owners of small mares by the Horse-Breeding Department, that mule-breeding from such mares would pay better than horse or pony-breeding, the industry was gradually started, and at the present date about 100 donkey stallions are employed in the breeding districts of the North-Western Provinces and more are required.

"3. A mule is easy to rear, and has a very hardy constitution, doubtless imparted by his sire, and during seasons of drought or on service, when pasturage or forage is scant, the mule will continue at work on short commons much longer than a pony.

"4. Mules when at pasture not only eat grass, but browse off herbs and shrubs; hence again why when pasture is scarce the mule is found to do better than a pony. In constitution and limb the mule is strong, and continues at work for many years longer than a pony. It will therefore be understood that mule-breeding is a safer investment than pony-breeding, and the fact that the mule is more valuable in the market than a pony and costs no more in rearing, and that this industry is within the reach of the poorer agriculturists, it behoves Civil authorities to have the subject clearly put before their agriculturists. With regard to the dieting of mules, it must be mentioned that they are particular as regards their drinking-water, inasmuch as they refuse any but pure water. This fact tends to rendering them more protected from disease, as doubtless impure water is frequently productive of malady.

"5. With regard to the prices obtained for mules at horse fairs and shows, during the last few years, it is found that these average from Rs. 50 to Rs. 500, according to the age, size, and worth of an animal.

"The cost of rearing a mule up to three years of age, when it becomes fit for light work, may be put down from Rs. 40 to Rs. 100.

"The profit on mule-breeding can thus be estimated.

"6. Considering the important facts above noted, I feel it incumbent on this Department to most earnestly suggest for the consideration, and I hope action, of Local Governments and Administrations to advise District Boards and Agricultural Associations to foster and develop this remunerative industry on revenue and public grounds. This can be practically done by their providing any additional donkeys above the 325 already furnished by Government and placing them under the charge of District Officers at Tahsils or other centres where pony mares are found.

(3) The price of donkey stallions depends upon their size and breed. The best donkey stallions employed in India are obtained by the Government from Italy, France, and Spain, at an average cost of Rs. 850 per head, exclusive of importing charges.

Persian donkey stallions and Punjáb-bred ones—the latter generally the produce of Government Italian sires—can be purchased for Rs. 150 to Rs. 200, and both the latter breeds are found well suited for ordinary mule-breeding. The cost of the keep of donkey stallions is found to be from Rs. 12 to Rs. 14 per month, according to rate of forage, grain and syces' wages.

(4) The time of year most favourable for obtaining country-bred donkey stallions is during the cold weather months at the horse fairs and shows in the Punjáb and Sind. Persian donkeys have lately been secured, with batches of mules bought and imported by Government from Persia. Some of this breed have been obtained through the agency of Persian dealers who annually import horses to the Bombay market.

"Occasionally Bokhára and Kurdistán donkeys of good class are found for sale at prices ranging from Rs. 120 to Rs. 200 each, at the Ráwalpindi and Sibi (Baluchistán) fairs.

(5) In the event of District Boards or Agricultural Societies desiring to obtain donkeys for their districts, the Civil Veterinary Department will be glad to advise as to where any stallions may, at the time, be obtained.

(6) In conclusion, I would point out the advantages of using pony mares for farm purposes. At the Government Depôt at Bábugarh, near Hápur, pony mares are employed for all the farm and garden work, such as ploughing, drawing water and cart work. These mares perform all such work as satisfactorily as bullocks, *and they are employed as mule-breeders.*

"7. Excellent mules, considered as good as many imported from Persia and the Mediterranean, have been bred from these pony mares; therefore the disadvantage of employing bullocks for farm work, inasmuch as they cannot produce stock, is evident. I would urge the desirability of employing pony mares in agricultural work. Horse stock is used with advantage in ekkas and tongas, and will be found most useful for farm work; I trust, therefore, that District Boards and Agricultural Societies will be so good as to induce farmers and others to co-operate with the Civil Veterinary Department in developing and furthering the interest of breeders by pointing out the advantages of mule-breeding."

(G. R. No. 5722, dated 8th August 1893).

5. The special attention of the Commissioners and Collectors, the Survey Commissioner and Direc-

tor of Land Records and Agriculture, and the Superintendent, Civil Veterinary Department, was called to the remarks and suggestions made in the following letter No. 1775-M., dated 22nd September 1893, from the Inspector-General, Civil Veterinary Department, and they were requested to impress on the several Local and Municipal bodies, as well as large landholders, the advantages of improving the supply of horse and mule stock of the country by developing the industry of mule-breeding :—

"I have the honour to suggest the following course being adopted in view to timely notice being afforded to this Department of the local requirements of horse and donkey stallions :—

(*a*) That indents prepared in the accompanying form A† for horse stallions and B† for donkey stallions be sent by District Officers or others to the Superintendent, Civil Veterinary Department, by 15th July, and should be forwarded by the Superintendent, Civil Veterinary Department, so as to reach this office not later than the 1st August of each year.

(*b*) As no funds are available in this Department for the payment of other than Imperial stallions supplied by the Government of India, it is suggested that Local Boards, Municipalities, Court of Ward Estates, large land-holders or other private persons, desirous of purchasing stallions for stud purposes, be asked to forward by money order, to the office of Inspector-General, Civil Veterinary Department, Meerut, before the 1st August, a sum of money equivalent to the price and incidental charges of the number and description of stallions required during the ensuing year. A detailed account of each sum so forwarded will be rendered by this office, on supply of the stallions indented for.

* * * * *

"3. When the required number of stallions indented for have been obtained, intimation will be given by this office to the indenting officer, with a request that he will be good enough to depute a responsible agent to the Bábugarh Depôt, or other place that will be noted to receive charge of the stallions. The agent to be provided with sufficient funds to pay for the railway freight of the stallions and other incidental charges from the Bábugarh Depôt to place of destination.

"4. I take the opportunity of mentioning that the Government of India in the Military Department have recently intimated to this office that they look to the Civil Veterinary Department to enjoin Local Boards, Municipalities, Courts of Wards and rich Zamindárs, to undertake mule-breeding as a profitable investment, and in this direction, rather than in any increase in the number of Imperial stallions, must improvement in the supply of horse and mule stock be looked for. I shall, therefore, feel much obliged by District authorities and the Superintendent, Civil Veterinary Department, being invited to promote the measures above advocated."

(G. R. No. 7535, dated 14th October 1893.)

6. The Government of India are unable to sanction any revision of the rule under which the purchase of mules under 3 years of age for Government is prohibited. (G. I., M. D., No. 1831, dated 22nd April 1895; *vide* G. R. No. 5462, dated 19th July 1895.)

† Not printed.

PART VII.—CATTLE-BREEDING AND CATTLE-DISEASES.

1. The purchase of bulls to improve the breed of cattle is quite a legitimate object on which to expend Local Funds, but all such animals should be placed in charge of villages which will guarantee that they are taken care of by the village herdsmen, and not allowed to wander loose to pick up a living as they can. (G. R. No. 2387, dated 20th April 1876.)

2. Government would be glad to see measures adopted by the various district Local Fund Committees in view to the improvement of the breed of cattle including buffaloes, and consider that the desired end can best be attained by the purchase and location at suitable places of bulls of the best varieties procurable. In the Konkan, where horned cattle do not as a rule thrive, such a step is perhaps not expedient, but in Gujarát and the Deccan the experiment might be made with reasonable prospects of ultimate success. In Sind no special arrangements are requisite.

(2). It will be for the Local Fund Committees to take such action as may appear expedient, and as the condition of their funds will admit of. The measure would at first be of an experimental nature and therefore a large outlay at starting would not be judicious, but a beginning might be made by purchasing for each district in which the experiment is to be tried four bulls and two buffalo-bulls. Bulls at the head-quarters station should be under the supervision of the Huzúr Deputy Collector. Bulls located elsewhere should be placed in the charge of the Mámlatdárs. No fee should be charged for the use of the bulls, and every effort should be made to induce the cultivators to avail themselves of the services of these animals.

(3). The superior bulls needed could probably best be obtained from Káthiáwár, and the Political Agent should be requested to give all the assistance in his power to Collectors desiring to purchase bulls in Káthiáwár on behalf of Local Fund Committees.

(G. R. No. 2482, dated 15th April 1882.)

3. In cases of export of cattle on a large scale, the Health Officer of the Port of Bombay is authorized before granting a clean bill of health to the vessel carrying the cattle to demand a certificate from a Veterinary Surgeon to the effect that the cattle are free from bovine epidemic disease. When this certificate is obtained it may be countersigned and attached to the bill of health. (G. R. No. 8472, dated 12th December 1887.)

4. The Director of Land Records and Agriculture is authorized to communicate, in direct correspondence with any Foreign Consul who may apply for it, any available information regarding the existence or otherwise of cattle-disease in any district of the Presidency. The Government of India have no objection to arrangements being made for communication of any information to Foreign

Consuls which does not materially add to the work of provincial officers, provided that no absolute guarantee or certificate be given that cattle-disease does not exist in any district. (G. I., R. A., Nos. $\frac{3}{50}$, dated 3rd February 1893, and $\frac{15}{50}$, dated 24th April 1893; *vide* G. Rs. Nos. 1454, dated 22nd February 1895, and 5220, dated 19th July 1893.)

5. Whenever an opportunity occurs for examining the blood of animals supposed to have died from anthrax, a report stating whether the symptoms during life, and *post-mortem* appearances, also microscopic observations on the blood, indicated the presence of true anthrax should be made to Government through the Principal of the Bombay Veterinary College for communication to the Inspector-General, Civil Veterinary Department. (G. R. No. 4295, dated 14th June 1889.)

6. The following procedure has been prescribed by the Government of India with a view to ensure the co-operation of the Civil and Military authorities in taking measures for the prevention and repression of contagious animal diseases :—

(1) When any contagious or infectious disease appears among animals at a horse or cattle fair, or in the neighbourhood of a cantonment, or of a line of military communication, the district or sub-divisional officer shall immediately report the fact and the nature of the disease to the nearest military authority, who will be responsible for communicating the information to any other military authorities whom it may concern.

(2) When such disease appears in a camp or cantonment, or among animals under military authority on a line of communication, the facts shall be immediately reported by the military authorities to the district or sub-divisional officer within whose charge the disease has appeared.

(3) The principal local authority, whether civil or military, within whose jurisdiction the disease has appeared, should keep the local military or civil authority (as the case may be) informed of the preventive or repressive measures that he has adopted, so that the action taken by the one may be, as far as possible, continued by the other. Any suggestions that either authority may have to make for action on the part of the other, with a view to checking the spread of the disease, should be made to him direct. The latter, on receiving them, should give them his best attention, and should inform the authority who made them, how far he feels himself able to accept and act upon them.

(4) The direct communication between the local authorities enjoined in the above rules in no way supersedes the necessity of reporting the fact on an outbreak for the information and orders of superior authority under any rules or practice that may be from time to time in force.

(G. I., R. & A., No. 4—29, dated 6th February 1895 ; *vide* G. R. No. 2004, dated 12th March 1895.)

7. The Principal, Bombay Veterinary College, is authorized in cases of outbreaks of any severe epizootic disease to depute at once, on a requisition from a District or Táluka Local Board made through the Collector of the district concerned, a suitable man to the seat of outbreak, responsibility for selection of the individual being left with the Principal. The man so sent out should be equipped with instruments, medicines, &c., by the Principal, who will be responsible that no overexpense is made. (G. Rs. Nos. 1464, dated 2nd March 1888, and 119, dated 8th January 1889.)

8. The following forms for reporting outbreaks of cattle-disease have been prescribed. Form I is a village form intended for prescription under the manual as supplementary to Village Form XIV. Form II is for the use of all officers whose duty it will be to report to the Collector. These officers should make their report at once on learning of the outbreak of disease. The reports will most frequently be made by Mámlatdárs from information supplied by Circle Inspectors in their diaries and from village officers in Form I. The other officers will get their information by personal enquiry when on tour, and they should report accordingly without reference to any previous reports which may have been made by village officers to the táluka.

The Superintendent, Civil Veterinary Department, should send a copy of the Report in Form III that may be received by him to the Inspector-General, Civil Veterinary Department.

VILLAGE FORM XIV.

(C. V. D. FORM I.)

E.—*Statement of Diseases of Horses and Cattle (including Camels, Sheep and Goats) in the Village of , Táluka District for the week ending 189 .*

(To be submitted only during prevalence of disease.)

Kind of Animal attacked by disease (oxen, buffaloes, horses, camels, sheep or goats.)	Number attacked.	Number died.	Local Name of Disease.	Symptoms of the Disease.	Remarks, Treatment adopted, &c.
1	2	3	4	5	6

(G. R. No. 5220, dated 19th July 1893.)

C. V. D. FORM II.

(For the use of Mámlatdárs and Mahálkaris, District Inspectors, Veterinary Graduates, Divisional Inspectors, and Sub-divisional Officers.)

Report of Epidemic or Contagious Cattle-disease (Horses, Oxen, Buffaloes, Camels, Sheep and Goats).

District. *Táluka.*

Villages affected.	Date of first appearance.	Class of Animals affected (horses, oxen, buffaloes, camels, sheep, goats).	Number attacked since first appearance.	Number died since first appearance.	Vernacular name (in Vernacular and English script) and English name of disease (see back).	Symptoms observed (see back).	Approximate number of animals still affected.	REMARKS. (i) Has the disease been seen in the district before? (ii) Is it spreading? (iii) How was it introduced? (iv) What measures have been taken for treatment or to prevent spread?
1	2	3	4	5	6	7	8	9

(Date and Place of Report.) (Signature.)

Note.—On information received from Village Officers or Circle Inspectors or otherwise, the officers named will at once take steps to obtain the information required in this report, and will forward it to the Collector. If all the information cannot be obtained with certainty at once, the report should be sent in as complete a form as possible. The Collector will in each case make arrangements in his discretion for further reports, weekly or otherwise.

Schedule of Diseases.

1. *Glanders.*—Discharge of sticky material from nose which sticks about nostril, ulcers in nose, swelling of gland under jaw, lungs become affected, animal gets very thin; dies after some weeks. Horse, ass, mule.

2. *Surra.*—Fever sometimes worse, sometimes better, animal rapidly gets thin and weak, swelling on legs and under the belly; death in about a month. Horse and mule.

3. *Ludiana Disease.*—Rapid swelling of throat, difficulty in breathing, discharge of oily yellow matter from nose, sometimes swelling of legs; death in from 4 to 21 days. Horse.

} Horses, mules and asses only.

4. *Charbon Symptomatique.*—Appearance of a swelling suddenly on some part of the body or limbs, which if pressed crackles under the hand; attacks young animals; very rapidly fatal; high fever, and death, 7 to 50 hours. Cattle.

5. *Pleuro-Pneumonia.*—Cough, loss of appetite, staring coat, hurried breathing; animal grunts during expiration, often stands with head extended, rapid emaciation; death occurs 6 to 8 weeks or more. Cattle.

} Cattle only.

6. *Rinderpest.*—Loss of appetite, dulness, staring coat, discharge from eyes and nose, frequent cough, diarrhœa soon mixed with blood, sometimes eruption on skin of neck, ribs, udder and groin; death in from 3 to 7 days; very fatal. Attacks cattle, sheep, camel, goat.

7. *Anthrax.*—Sudden death, with convulsions; the animal falls to the ground, struggles, bleeds from mouth, nose and anus; very rapidly fatal. All animals, especially sheep, goat, ox and horse.

8. *Foot and Mouth Disease.*—Ulcers between claws causing lameness, sometimes also in mouth; fever; not very fatal. Cattle, sheep, goats and camels.

9. *Gloss Anthrax.*—Large red, purple or black blisters of the size of a pigeon's egg on tongue, bloody discharge from mouth, fever; death 24 to 48 hours. Cattle.

} General.

10. *Variola.*—Fever, discharge of glairy matter from nose, cough; eruption on skin of ears and inside arms and thighs, passing through various stages. The skin irritable; animal scratches and pulls hairs out. Sheep and goats; many die.

11. *Rot.*—Gradual emaciation, belly large, mouth and membrane of eyes yellow, pain on pressure over loins; wool comes out. Sometimes diarrhœa and swellings of the body. Sheep and goat.

} Sheep and goats only.

C. V. D. FORM III.

FORWARDING REPORT OF COLLECTOR.

Copy forwarded for information and guidance to { The Inspecting Veterinary Officer, Poona, (all animals). / The Superintendent, Civil Veterinary Department, (all animals).

Do. for information to the Director, Land Records and Agriculture (in all cases).

1	What assistance is being supplied?	
2	Whether further assistance is wanted?	
3	Remarks as to urgency, means of access to area affected, additional information under column 9 of the form, &c.	

(Place) (Date) (Signature)

Collector.

Note.—Collectors should not forward reports of diseases ascertained not to be epidemic or contagious. But reports of epidemic or contagious outbreaks should be forwarded *whether assistance is asked for or not.*

B 1955—207 Rev.

NOTE by Superintendent, Civil Veterinary Department, on Vernacular Nomenclature of Diseases in the Bombay Presidency.

Province (Sind, Gujarát, Konkan, Deccan, Karnátak.)	District.	Táluka.	Scientific Name.	Vernacular Name (in vernacular script where possible with English *translation) as finally fixed by Superintendent on each report.
1	2	3	4	5

This form will be recorded by the Superintendent as a basis for an index of vernacular names in each táluka, district and province. The absence of such indices has hitherto proved a source of great difficulty in dealing with reports and in prescribing treatment. Column 5 should, if necessary, not be filled up till certainty has been acquired in correspondence with local Veterinary graduates, &c. The unscientific notices of cattle disease in the Gazetteers may be compared and notes should be taken for their correction.

* The Hunterian system of transliteration prescribed by Government should be followed. The Phonetic system is to be strictly avoided, as it cannot be used in the preparation of indices.

(G. R. No. 5220, dated 19th July 1893.)

9. Civil Veterinary Officers should add from time to time to the collection of the drawings which were prepared for the Report of the Cattle Plague Commission, drawings of any fresh specimens of diseases in horses or cattle that may come under their observation and forward a copy of all such to the office of the Inspector-General, Civil Veterinary Department, for record. (G. R. No. 6658, dated 13th September 1893.)

10. The following directions framed by the Director of Land Records and Agriculture for preparing prickly-pear as cattle fodder were circulated to Commissioners and Collectors for distribution to village officers:—

(To Pátels for the information of rayats).

Prickly-pear can be used as a cattle fodder in times of scarcity.

Oxen and buffaloes have been fed on Government farms and elsewhere on prickly-pear with the addition of only a small bundle of hay or "bhusa," and the animals have been found to thrive on this food.

The following directions should be observed:—

1. The leaves of the prickly-pear having been cut must be cleared of the thorns. This is easily done by use of *pinchers, of which the Mámlatdár will supply a pattern.* The pinchers will scoop out a piece of the leaf, taking with it the bunch of thorns. It is of no use to try to *pull* the thorns out.

2. The leaves when free of thorns should be cut up into small pieces, and may then be given to the cattle.

3. For the first few days, a little chuni, dal-husk or bran (about 1-2 lbs.) should be mixed with the pear, and a little salt: during this time no dry fodder should be allowed.

4. After the cattle have become accustomed to the food, the hay or "bhusa" may be added, and salt should be continued throughout.

5. One man can prepare enough food in a day for 5 animals or more (15—20 lbs. each) and a woman or child can easily prepare enough for 3.

(G. R. 4559, dated 13th June 1892.)

PART VIII.—HORSE-SHOWS.

1. One grand aim in connection with horse-shows should be to develop a local market for stock for sale. (G. R. No. 5505, dated 14th August 1888.)

2. The object of the Provincial Government in holding horse-shows is not so much the purchase of remounts for various departments as to have an opportunity of judging of the general effect of the efforts of Government to improve the breed of horses in the country. (G. R. No. 6435, dated 6th September 1893.)

3. The primary object of Government is to encourage the breeding of sound well-bred horses, and the better the prices breeders obtain for their young stock the more popular will horse-breeding become, and the larger will be the production of sound well-bred young stock. Government will benefit by this in the end, even if it has to put up with some disappointment at first. (G. R. No. 6902, dated 25th September 1893.)

4. Races at horse-shows are calculated to introduce an element of discord which is very undesirable. They should therefore be discouraged and no contributions to race funds should be granted. (G. Rs. Nos. 2839, dated 1st May 1882, and 3867, dated 15th June 1882.)

5. The Superintendent, Civil Veterinary Department, has duties to perform over a wide area, but he has no better opportunity of performing the most important of his duties than at a show to which large numbers of horses are brought. His work at the shows should not be confined to judging and selecting mares suitable for the brand. Local officers will make arrangements for the shows, and give all the assistance in their power, but the classification of animals according to their age and breed requires special knowledge and should ordinarily be done by the Superintendent, Civil Veterinary Department. He should be consulted before the date of opening a horse-show is fixed. (G. R. No. 6880, dated 26th August 1885.)

6. The Superintendent should take an active part in the duties of ageing, classifying and general preparations for a horse-show, and not expect every thing to be done for him by the Revenue and Police Departments. He should be an *executive*, not merely an *inspecting* officer. (G. R. No. 7181, dated 4th September 1885.)

7. The dates of the several horse-shows held in the Deccan, Gujarát and Káthiáwár, and in Sind, which are as a rule attended by the Superintendent, Civil Veterinary Department, should as far as is practicable be so fixed as to enable the Superintendent to visit every show. The District Officers and Political Agents concerned should be requested to propose to the Superintendent the dates which they consider suitable for holding the shows in their

respective charges, and as far as local convenience permits to assist him by so arranging the dates that he may be able to attend as many of the shows as possible. (G. R. No. 7298, dated 14th October 1886.)

(2). Changes in dates of horse and cattle fairs should invariably be reported to the Inspector-General, Civil Veterinary Department. (G. R. No. 10129, dated 20th December 1895.)

8. The Superintendent, Civil Veterinary Department, should attend, if possible, every horse fair and show at which Government prizes are awarded. He should inspect and brand mares and collect necessary statistics in connection with his duties, and as far as possible render assistance, when required, to the Remount Department in purchasing or examining stock. (G. R. No. 703, dated 27th January 1891.)

9. The Superintendent should make notes during his tours and on his visits to shows, on cattle, sheep and goats as well as on horses and ponies, and communicate the results of his observations to the Director of Land Records and Agriculture. (G. R. No. 2011, dated 18th March 1891.)

10. The Superintendent, Civil Veterinary Department, should give due intimation to the Commissary General of the dates of the horse-shows at which mules can be purchased. (G. R. No. 2661, dated 16th April 1891.)

11. The suggestions of the Agricultural Department should be taken regarding the prospectus of horse and cattle shows. The Director of Land Records and Agriculture should be consulted by the officers to whom the management of the shows is entrusted, and the reports on the shows should be submitted to Government through him. (G. R. No. 2825, dated 13th April 1889.)

12. It is desirable that owners should be induced, without bringing any pressure to bear on them, to bring their branded mares and their produce to the show proposed by the Inspector-General, Civil Veterinary Department, in his following letter No. 25-M. D., dated 27th March 1891. The Governor General in Council is willing to leave the details of any action that may be taken to the discretion of the Local Government, but considers that the circulation of an intimation through village officers or otherwise that the mares should, if it is convenient to their owners to take or send them, be exhibited at the show, is the utmost that can be done without incurring any danger of misinterpretation of the intentions of Government :—

"In continuation of this office letter No. 20-M.D.' dated 10th instant, I have the honour to report, for the information of the Government of India, that on the 20th instant I had an opportunity of conferring with the Director, Army Remount Department, at Muzafarnagar, on the subject of annual gathering of all branded mares and their stock.

"2. Colonel Deane concurred with me in the scheme being allowed a fair trial and that it may be tested at some of the horse fairs and shows held annually.

"If proof be afforded of any appreciable advantage being gained by the scheme, it may be gradually extended.

"3. To carry out the proposal it is submitted that District Officers be enjoined to induce all owners to bring or send their branded brood mares and their young stock, for inspection, to their respective district gatherings on dates to be fixed by the District Officer in communication with the officer of the Civil Veterinary Department, timely notice being invariably given of the date and place of assembling.

"4. There will be no additional expense involved in carrying out the scheme as above proposed, and, as previously stated, the advantages in connection with these gatherings will be—

(*a*) the officers of the Civil Veterinary Department will be enabled to judge of the value of the sires and dams employed and of the young stock produced;

(*b*) the Remount Department will have a better chance of securing the best stock got by Government stallions;

(*c*) the breeders will have an opportunity of selling their young stock direct to Government, and obtaining better prices for their animals."

(G. I., R. & A., No. 156, dated 12th June 1891; *vide* G. R. No. 4579, dated 7th July 1891, and G. R. P. D., No. 5676, dated 23rd idem.)

13. The reports on Sind horse-shows should be accompanied by a detailed statement of receipts and expenditure. (G. R. No. 5585, dated 8th July 1892.)

PART IX.—MISCELLANEOUS.

1. *Fees to Ghodáválas.*—Ghodáválas should not be paid fees for each mare covered in addition to their pay. (G. R. No. 8964, dated 6th December 1883.)

2. *Increments to members of the establishment of the Superintendent, Civil Veterinary Department.*—The Superintendent is authorized to allow periodical increments in accordance with the sanctioned scale to the members of his establishment for approved service. (G. R. No. 3351, dated 7th May 1889.)

3. *Appointments, &c., made by the Superintendent.*—The Superintendent need not report to Government appointments or changes made by him in the Department which under the standing orders would not require their sanction. (G. R. No. 4512, dated 25th June 1889.)

4. *Head-quarters.*—The Superintendent should make Ahmednagar his head-quarters. (G. R. No. 7134, dated 21st September 1889.)

5. *Diplomas.*—There is no objection to recommendations being made for the grant of illuminated diplomas, signed by His Excellency the Viceroy, to Native Chiefs and others who take interest in and encourage horse-breeding. (G. R. No. 2110, dated 23rd March 1891.)

6. *District Officers.*—District Officers in their tours should, as occasion offers, point out to the breeders of horses the advantages of keeping fillies to replace the older mares for brood purposes. (G. R. No. 4859, dated 17th July 1891.)

PART X.—GLANDERS AND FARCY.

1. The Glanders and Farcy Act * has been extended to the following areas in the Bombay Presidency :—

(1) The City of Bombay (Government Resolution No. 4238, dated 6th August 1888, Judicial Department).

(2) The areas comprised within the cantonment limits of Poona and Kirkee and the Municipal limits of the Poona City and Suburban Board (Government Resolution No. 209, dated 14th January 1889, Judicial Department).

(3) The City of Násik (Government Resolution, Judicial Department, No. 7779, dated 20th November 1894).

(4) Town of Bándra (Government Resolution, Judicial Department, No. 2529, dated 17th April 1895).

(5) Certain areas in the Ahmednagar District (Government Resolution, Judicial Department, No. 562, dated 22nd January 1896).

(6) (*a*) The Municipal and Cantonment areas of Karáchi and the Port of Karáchi.

(*b*) The Municipal and Cantonment areas of Hyderabad and Jacobabad.

(*c*) The rest of Sind (with the exception of Section 10).

(G. Ns. Nos. 6479, dated 18th November 1892, and Commissioner's Notification No. 5575, dated 17th November 1898, in the *Sind Official Gazette.*)

2. All the powers conferred by the Glanders and Farcy Act, 1879, on the Governor in Council as the Local Government of the Province of Sind have been delegated to the Commissioner in Sind. (G. R. No. 2089, dated 5th April 1893, J. D.)

3. The Government of India have issued the following instructions as regards the extension of the Glanders and Farcy Act :—

It is not advisable to extend the provisions of Section 10 of the Act to outlying tracts. But Section 3 gives Local Governments full power to except this section, and the Government of India are of opinion that, subject to this exception, it would be well to apply the provisions of the Act to the whole of every province. It would then be for each Local Government to determine how far the existing inspecting agency should be supplemented. Most provinces include among their staff a commissioned officer of the Civil Veterinary Department, and all such officers might well be appointed, not only Inspectors under Section 4, but also Veterinary Surgeons under Section 7. Commissioned officers of the Army Veterinary Department should also be similarly appointed, but

* Act XX of 1879 since repealed by Act XIII of 1899, which now contains the law on the subject.

their powers as Inspectors should be confined to the cantonments in which they serve or which they periodically visit on duty. It will perhaps be advisable also to appoint Inspectors under Section 4 who are not Veterinary Surgeons; but this point must be left to Local Governments, with the remark that the persons nominated should be responsible officers of some standing, as their powers under the Act would be considerable; and that they should be instructed, either by executive order, or, still better, by rule under Section 14, that they should in no case exercise their functions except when a Veterinary Surgeon under the Act is available within some moderate specified distance, since to move horses suspected of being diseased about the country in search of a Veterinary Surgeon would be both dangerous and oppressive. It would generally be possible to send a qualified Veterinary Surgeon to the seat of a local outbreak of disease.

(G. I., R. & A., No. 4-45-1, dated 16th March 1896; *vide* G. R. No. 5572, dated 17th July 1896.)

4. It has been decided that the Glanders and Farcy Act should be extended to all districts of the Presidency proper.

(2). All Commissioned Veterinary officers, whether of the Army Veterinary or Civil Veterinary Departments, should be appointed Veterinary practitioners *ex-officio*, and any Veterinary Graduate whom, not less than 5 years after the taking of his diploma, the Superintendent, Civil Veterinary Department, may recommend, may be so appointed.

(3). All persons appointed as Veterinary practitioners under the Act and all Veterinary graduates in the service of Government or of any Local Body not appointed practitioners should be made Inspectors under the Act.

(G. R. No. 5208, dated 12th August 1898.)

5. The areas within which Army Veterinary officers may be empowered to act as Inspectors under the Glanders and Farcy Act, have been extended by the Government of India to the area lying within a radius of 5 miles from each cantonment which they periodically visit on duty. (G. I., R. & A., No. 758-27-2, dated 18th May 1897; *vide* G. R. No. 4500, dated 15th June 1897.)

(2). The following scale of remuneration to Army Veterinary officers for performing duties under the Glanders and Farcy Act has been prescribed by the Government of India:—

(*a*) for an officer called on to attend at any place *within* the radius of 5 miles of his cantonment, the payment, by the Municipality or Local Body requiring his services, of a fee of Rs. 16, *plus* any expenses incurred in the destruction of any animal for each consultation irrespective of the number of horses examined; and

(*b*) in the case of an officer who is asked to proceed *beyond* the 5-mile limit, the payment by the authority concerned of a similar fee *plus* travelling and halting allowances on the scales admissible to Army Veterinary officers when visiting outstations in the ordinary course of their military duties, as laid down in paragraph 519, Army Regulations, India, Volume X, Part II, and paragraphs 823 and 824, Army Regulations, India, Volume I, Part I.

In regard to (*a*), the fee of Rs. 16 will be payable to an officer for each centre at which he makes an examination. For example, should suspicious cases be reported from two or more serais or stages on a dâk line, a separate fee is admissible for the examination made at each place.

(G. I., R. & A., No. 14-130-2, dated 18th October 1898; *vide* G. R. No. 7999, dated 10th December 1898.)

6. Under Section 4 of the Glanders and Farcy Act, the appointment, suspension and dismissal of Inspectors rests solely with Government, and on the occurrence of a vacancy on the establishment employed in the city of Bombay, the Principal, Bombay Veterinary College, who controls the establishment, should submit his recommendations for the orders of Government. (G. R., J. D., No. 4645, dated 4th July 1896.)

7. The following rates of fees have been prescribed for non-official Veterinary practitioners appointed under Section 7 of the Glanders and Farcy Act in the City and Harbour of Bombay:—

(1) For cases arising in the City of Bombay—

Rs. 5 for an examination,

Rs. 10 for a visit.

(2) For cases arising in the harbour of Bombay, Rs. 30 for a visit, and 4 annas per head if the number of animals does not exceed 50 horses, and 8 annas per head if it exceeds 50 horses.

(3) Rs. 15 per hour or part of an hour for which the Veterinary practitioners have to wait in the docks or on shore before they can proceed to examine horses, provided they have to wait for more than an hour.

(G. Rs., J. D., Nos. 5873, dated 27th October 1888, and 1399, dated 6th March 1893.)

8. The Water Police on duty in the harbour of Bombay should consider it part of their duty to keep the Veterinary Inspector informed of the arrival of horses by sea. (G. R. No. 1386, dated 19th February 1897.)

9. The annual report on the working of the Glanders and Farcy Act in the city and harbour of Bombay should be submitted for the year ending 31st March, in order that it may be brought under review simultaneously with the annual report of the Civil Veterinary Department. The Principal,

Bombay Veterinary College, should forward a copy of this report to the Inspector-General, Civil Veterinary Department, so as to reach his office not later than June 1st in each year, the information regarding the cost of the Department being furnished to him subsequently, if it is not available in time to admit of its being embodied in the report. (G. R. No. 6773, dated 28th August 1896.)

10. The Principal, Bombay Veterinary College, should address all communications in connection with the working of the Glanders and Farcy Act, direct to Government in the Revenue Department. (G. R., J. D., No. 4645, dated 4th July 1896.)

INAMS AND JA'GHIRS.

I.—The Summary Settlement.

1. All inám holdings in existence in alienated villages at the commencement of British rule, and since enjoyed, should receive the benefit of the Summary Settlement without reference to the origin of the grant. (G. R. No. 2004, dated 2nd June 1860.)

2. Bombay Act II of 1863, and not Bombay Act VII of 1863, is applicable to the annexed tálukas of the Kánara District. (L. R. No. 18, dated 2nd May 1864; *vide* G. R. No. 1880, dated 14th idem.)

3. Bombay Act II of 1863 applies to the territories in which Act XI of 1852 was in force, Bombay Act VII of 1863 to those parts of the Presidency not subject to the operation of that Act. From Sections 1 and 2 of Act XI of 1852 it appears that that Act was applicable to every part of the Presidency "not brought under the General Regulations of Government by Regulation XXVIII of 1827;" and the preamble also shows that it was intended to extend to districts recently annexed to the Bombay Presidency in which claims to ináms were excepted from the cognisance of the ordinary Civil Courts.

Act XVII of 1844 divided Angria's lapsed territory into two parts, viz., (1) a portion within the boundaries specified in Section 1 in which the Administration was to vest in an Agent to the Governor, and (2) the portions not included within those boundaries which it was enacted by Section 5 should be "subject to the same Laws and Regulations and shall be governed in all respects in the same manner as the portions of the territories subject to the Government of Bombay by which such portions of the said lapsed territory may be respectively surrounded or to which such portions of the said lapsed territory may be respectively contiguous." This last quoted enactment undoubtedly placed the portions of the lapsed territory to which it referred under the same law as regards ináms as was in force in the rest of the Sub-collectorate of Kolába, viz., Chapters IX and X of Regulation XVII of 1827, by which claims to ináms were subject to the cognisance of the Civil Courts. It was on this ground that Mr. Rogers and Colonel Etheridge were of opinion that Bombay Act VII of 1863 applied to these portions of the lapsed territory.

But those gentlemen appear to have taken no account of Act VIII of 1853 which repealed Act XVII of 1844, and brought the whole of the lapsed State of Kolába under the General Laws and Regulations of the Bombay Presidency and at the same time excepted claims to ináms on the whole of that territory from the cognisance of the Civil Courts. The effect of this enactment was to bring all the villages of the lapsed State under the operation of Act XI of 1852; and that this was the view of the Legislature is shown by Section 5 of Act X of 1876, as amended

by Section 1 of Act XVI of 1877, which revived the jurisdiction of the Civil Courts in claims to hold lands wholly or partly free from payment of land revenue wherever it had before existed, and mentioned amongst the districts in which this was the case (*vide* the second schedule of the Act) the District of Kolába "exclusive of the lapsed State of Kolába mentioned in Act VIII of 1853."

(L. R. No. 1326, dated 1st September 1890; *vide* G. R. No. 6510, dated 22nd September 1891.)

4. In exercise of the powers conferred by Section 5 of Act XIV of 1874 (The Scheduled Districts Act) the Governor of Bombay in Council is pleased, with the previous sanction of the Governor General in Council, to extend Sections 4, 5 and 15 and the rules in Section 2 of Bombay Act II of 1863 to the táluka of Peint in the Násik District. (G. N. No. 6567, dated 24th September 1891.)

5. Except in cases of fraud, the Summary Settlement should be offered to all holders of alienated land who had duly appealed against decisions passed by the Inám Commissioner under Act XI of 1852 and whose appeals were undecided. In the cases in which the benefit of the Summary Settlement could not be granted owing to the lands being found to have been held on *service* tenure by District Hereditary Officers, &c., the holders should be allowed the option of accepting the terms of settlement sanctioned for service holdings. (G. Rs. Nos. 1300, dated 17th April 1861 and 2761, dated 21st July 1864.)

6. Lands claimed by Hereditary Officers as forming part of their service watans, but entered in the accounts of the British Government as *personal* holdings should, with respect to the Summary Settlement, be regarded as personal holdings subject under the terms of the settlement to the payment of cháuth and nazrána. Lands claimed as personal holdings, but described in the Revenue Records of the British Government as service watans, should not be allowed the benefit of the Summary Settlement without the special permission of Government. The course indicated above should be adopted in cases where there is no reason to doubt the accuracy of the entry in the accounts of the British Government. In the case of Sátára, the accounts of the British Government must for this purpose be taken to include those of the Rája for the period intervening between the British accession in 1817-18 and the lapse of the Sátára State in 1848. (G. Rs. Nos. 3097, dated 8th July 1861, and 2784, dated 18th July 1862.)

7. The holders of Jadeed Ináms granted by Dumaldárs in villages or districts now become or becoming khalsat may be admitted to the Summary Settlement, provided the Jadeed Ináms have been granted prior to the year 1860. (G. R. No. 5330, dated 14th December 1861.)

8. The terms of the Summary Settlement are not applicable to such grants of lands as those made unconditionally by the British Government to the family of persons killed in the service of Government. Such lands should be considered to be hereditary in the fullest sense of the term, unless positive proof is forthcoming that there was any restriction in the grant. (G. R. No. 3347, dated 1st October 1863.)

9. The Summary Settlement is not to be *offered* to those holding grants from the British Government, nor to those whose claims have been adjudicated; but there is nothing to prevent those Inámdárs obtaining any further privileges the Summary Settlement would give them if they paid for it. (G. R. No. 39, dated 6th January 1864.)

10. The object of Government Resolution No. 39, dated 6th January 1864, was to prevent the Summary Settlement, so far as it affected title, being offered in adjudicated cases, or in cases where the grant was made by the British Government. It was not the intention of Government to withhold the offer of the one-anna settlement, by which the property would be made heritable and transferable without restriction of any kind. (G. R. No. 3870, dated 13th August 1870.)

11. The following rules which were laid down in 1859 (G. R. No 289, dated 24th January 1859) should be adopted as the general rules relating to service lands in Gujarát which it is necessary to lay down in order to apply Act VII of 1863 to this class of holdings, subject to the modification that their application under clause 3, Section II, of that Act to the service lands of any districts shall not necessarily await the Survey Settlement of that district, but may be carried out, as circumstances may require, in surveyed or unsurveyed districts alike. The rules shall be liable to modification as may from time to time be thought fit, and the Commissioner should submit proposals for any alterations which experience may suggest. Authority to settle village service lands under these rules is allowed to the Commissioner, who should, however, submit for sanction the principles by which he proposes to determine what classes of service are no longer required, the lands held in such cases becoming liable to resumption under Rule II :—

(I) All lands entered in the public accounts as held by village servants or for the performance of village services, and all lands which, although not hitherto so entered, were granted or from their nature evidently intended to be held, for the performance of such services, are liable to assessment, and will be subjected to these rules on the introduction of the revised survey rates into a district. In no case will the occupant's possession of the land be disturbed.

(II) Lands held for the performance of services no longer required by the State or by the

community, or not rendered, will be at once assessed.

(III) Special exceptions are admissible under the orders of Government in favour of individuals to whom it may be advisable to continue the exemption either temporarily or permanently.

(IV) If the services of the holders be still required, it is to be distinctly understood that it is not desired to resume the land, but the object of Government is to prevent the land from being diverted from the purpose for which it was given, and to secure it to the person who performs the service.

(V) If the services of the holder be required, the land will be continued free of assessment and entered in the accounts as service watan.

(VI) But land alienated out of the family to which the watan belongs will cease to be entered as service watan, and will be assessed as khalsat. The person who performs the service will then be remunerated by a cash payment of such amount as may be deemed expedient.

(VII) In fixing the remuneration of the officiating Pátel or other servant, the assessment leviable on the service watan land will be taken into consideration.

(VIII) Lands originally held for the performance of such services, which may have been sub-divided among different families or among different branches of the same family, will be treated as above without reference to the present position of the holder.

(IX) The holders of such lands who may by custom or by right be entitled to perform service, will elect one or more of their number as may be required, to perform the duty, and receive the emoluments, either for life or a term of years, and failing their appointment, the *controlling officer will make the election under Act XI of 1843.

* At the time of settlement, the Settlement Officer: afterwards the Collector.

(X) All lands held rent free or partially assessed for the purpose of providing food for travellers, food or water for cattle or other animals, water for passengers on the public roads or the annual excavation of village tanks, will be resumed on the introduction of the revised survey assessment, unless

1. The assignment may have been guaranteed by treaty or by special agreement with the holders of the village, when ceded to the British Government or unless
2. The Right Honourable the Governor in Council confirm the exemption, on being satisfied of the real public utility of the service for which the land is held.

(XI) Nothing in the above rules is to prevent the Right Honourable the Governor in Council or

any officer acting under his authority from sanctioning special exceptions in favour of the holders of service lands in cases in which the public interests would not be injuriously affected by such a course.

(G. R. No. 3973, dated 11th November 1863.)

12. The suggestions made by the Revenue Commissioner, N. D., in his following letter No. 1000A, dated 18th April 1864, were approved by Government:—

"In the rules for the treatment of village service lands in Gujarát, for which a renewed sanction was given in Government Resolution No. 3973, dated the 11th November last, there is no provision for dealing with the holdings of those village servants whose services, though not required by the State, are useful to the village communities.

"2. The lands of these village servants in Khándesh are continued subject to one-fourth of the assessment, with an obligation to continue service. The lands of other village servants are subjected to payment of one-half the assessment without any obligation of service.

"3. I was about to recommend for Gujarát a similar settlement to be made applicable to the holdings of all but those so-called village servants who never were and never will be useful to any one. But I have reason to believe that it would not be acceptable to those concerned to be exempted from the supposed honour of serving the village, and that it would be more popular, in Gujarát at least, to impose a salámi continuing the lands among those held liable to village services than to impose the same salámi and declare the holding to be unrestricted private property. I propose, therefore, to treat both classes alike in this respect, and, while subjecting the holdings of the more useful village servants to the cess of one-fourth, and those of the less useful to one-half, I would relieve them in both cases of the obligation to perform service for Government, but maintain both classes in the rank of village servants.

"4. I have now the honour, with reference to paragraph 2 of the Resolution above quoted, to request sanction to this settlement.

"5. With reference to paragraph 3 of the same Resolution, I beg to state that, under the varying circumstances of different villages, it is difficult to determine beforehand what classes of servants are useful. Moreover, in the course of the settlement, village servants are discovered under new and local denominations, which, not being known at present, would be left out from any classification now submitted to Government. It often happens, too, that village servants bearing the same appellation are found to perform totally different duties in different districts. Under these circumstances, I would suggest that, in accordance with the rules laid down, I be allowed to settle the holdings of different village servants; and at the end of the settlement I can submit a statement explaining how the lands of the different classes of servants have been disposed of."

(G. R. No. 1930, dated 18th May 1864.)

13. In Gujarát where under the above Resolution (No. 1930, dated 18th May 1864) a right of property is not conceded to owners of holdings subjected to half assessment, it should be distinctly stated in the sanads which will be given to release such holders from all future Government demands that the remainder of the holdings is continued on service tenure as untransferable property, and liable

to the obligations of the usual village services. (G. R. No. 73, dated 7th January 1865.)

14. In cases in which the realizable amounts under the Summary Settlement fall below one rupee, the holders are permitted to redeem the annual payments at 25 times the amount, which rate is fixed on the principle laid down by the Government of India in their Resolution No. 3264, dated 17th October 1861, republished at pages 908-914 of the *Bombay Government Gazette* of 21st November 1861, in their instructions regarding the redemption of Government revenue. It will be stated in the sanads issued in such cases that the annual payments have been commuted for a single payment made once for all.

The sums paid in redemption of the payments should be dealt with in the manner provided for in the instructions referred to.

(G. R. No. 1866, dated 12th May 1864.)

15. With reference to the following letter from the Revenue Commissioner, S. D., No. 3575, dated 8th September 1864, that officer was informed that he might apply the foregoing Resolution to those cases only for which it was intended, *viz.*, where realizable amounts fall below one rupee, and so save the labour of annual collection of a number of trivial payments:—

"I have the honour to report that I duly communicated to the Collectors of the Southern Division the order contained in Government Resolution No. 1866, dated 12th May 1864.

"The ready assent accorded to the proposition submitted by Mr. Ellis on the 22nd April 1864, which was disposed of by Government in less than three weeks after its date, emboldens me to hope that His Excellency the Governor in Council will ere long take into consideration the following proposition which I submitted more than two years ago, in a memorandum No. 1019, dated 9th May 1862:—

'The Commissioner thinks that as the chauthái and annual nazrána paid by Inámdárs who have accepted the Summary Settlement are finally fixed, and can never be enhanced, there would not be the least objection to their being at once redeemed under the orders of the Government of India, and he begs for permission to inform the Collectors in his division that they are at liberty to at once accept any offers made to them for the redemption of the Government dues in *such* cases.'

"If Government will give me the permission asked for in the above quoted memorandum, I propose to inform the Collectors that Inámdárs generally may be allowed to redeem their fixed dues to Government at the rate of 25 years' purchase proposed by Mr. Ellis in the case referred to in his proposition."

(G. R. No. 4197, dated 24th October 1864.)

16. The redemption authorized by Government Resolution No. 1866, dated 12th May 1864, is to be applied also to the ináms of the village officers which have been subjected to payment of half assessment, in accordance with Government Resolution No. 2606, dated 1st June 1861. (G. R. No. 73, dated 7th January 1865.)

17. If inám lands have passed out of the family of the Inámdár, the holder of such lands must, unless his title to exemption from the payment of land revenue has been formally adjudicated upon before the passing of Bombay Act II of 1863, either accept the Government guarantee on the terms prescribed by that Act or must submit his claim to trial, according to Act XI of 1852, in the manner and subject to the liabilities provided by Section 6 of Bombay Act II of 1863. A party who has become the assignee or transferee of inám lands before a formal adjudication upon the title to exemption, comes within the definition of a 'holder' as defined by Section XVI (clause F) of the latter Act, and must prosecute a separate claim under Section 6 of the Bombay Act if he seeks to establish a title to exemption. By 'assignee' or 'transferee' is meant a person to whom a permanent interest in the land has been conveyed, or at least a larger interest than that of a mere tenant, sub-tenant, or agent, in occupation of the land. Inám lands which have been adjudged to be exempt from payment of land revenue under Section 6 of Bombay Act II of 1863, and which, by the operation of that section, have subsequently become liable to pay the full assessment in consequence of their being transferred either by operation of law or by the act of the party to some person other than the heirs of the Inámdár in whose favour the exemption is established, do not regain the character of being exempt from assessment by reason of their afterwards revesting in such heirs: such heirs come into possession of the lands by a new title. In transferring the lands to a stranger, the title to exemption is lost, and there is no provision in the Act reviving such title when once it is lost. (L. R. No. 24, dated 13th June 1864; *vide* G. R. No. 2690, dated 15th July 1864.)

18. In using in report No. 24 of 1864 the words "accept the Government guarantee on the terms prescribed by Bombay Act No. II of 1863" the Legal Remembrancer has used the language employed in the first section of that Act, which enacts that "when holders of lands, &c., shall have consented to submit to the terms and conditions hereinafter described, &c., it shall be lawful for the Governor in Council to finally authorize and guarantee the continuance in perpetuity of the said land to the said holders, their heirs and assigns, upon the said terms, and subject to the same conditions."

These terms and conditions are found in the second and subsequent sections of the Act. The principal terms are that the land-holder shall consent to pay a fixed annual payment as nazrána, and a quit-rent equal to one-fourth of the assessment. The land-holder also consents that the assessment upon which the one-fourth is to be calculated shall be ascertained according to the rules laid down in the second section of the Act, and he

further consents, if his land already pays a judi, &c., to Government, to pay, besides the judi, &c., a fourth of the difference between the judi, &c., and the full assessment.

Another term is that, if the amount of the annual nazrána exceeds ten rupees, the land-holder may at his option pay, under Section 5 of the Act, an occasional nazrána, instead of an annual one.

These appear to be the principal terms imposed upon a land-holder whose title to exemption had not been formally adjudicated upon before the passing of the Act, and who chooses to dispense with an enquiry into his title, and accept the Government guarantee.

As to land-holders whose title to exemption has been established by a formal adjudication before the passing of the Act, it appears that, under Section 4 of the Act, they can at their option procure the recognition by Government of the right of their heirs collateral and their heirs by adoption to inherit on the terms that they consent to pay an annual nazrána in addition to any partial assessment (if any) that may have been already laid upon them.

(L. R. No. 49, dated 18th October 1864; *vide* G. R. No. 4505, dated 14th November 1864.)

19. Persons adopted after the promulgation of the Summary Settlement, in right of paying nazrána, should be regarded as having entirely the same right as if they had been begotten sons born on the day of their adoption, so far as regards compensation for rights which are appurtenances of the ináms for which the settlement allowing of adoptions was made. The restriction in the rule* which directs that no compensation for duties abolished by Acts I of 1838 and XIX of 1844 should be granted in the case of ináms the continuance of which to adopted sons has been sanctioned by Government subsequently to the passing of those Acts, must, however, be retained in respect of all adopted persons whose adoption Government could legally have refused to recognize; and also in respect to claims for compensation in lieu of rights not being appurtenances of property guaranteed by the Summary Settlement to adopted sons. (G. R. No. 2011, dated 11th May 1865.)

Vide clause 1st of Order No. X under the head of Hakdárs, and the foot-note to it at p. 306 of the Revenue Circular Order Book.

20. The provisions of Section 6 of Bombay Act II of 1863 are not retrospective, and in the case of land transferred before adjudication, the title of the transferee is co-extensive in point of duration and extent with that which his assign had at the date of assignment. (G. Rs. Nos. 3079, dated 19th July 1865, and 3884, dated 14th September 1865.)

21. Mámlatdárs may enter the name of a successor to a Summary Settlement inám holding when the applicant is either the eldest son or (in the event of there being no male heir) the widow of the person last entered. In all other cases a certificate of

heirship from the Civil Court should be required. (G. R. No. 2187, dated 4th June 1868, and G. R. No. 1343, dated 10th March 1870.)

22. The holders of alienated land must in common with the rest of the community pay income tax, and the fact of their having accepted the Summary Settlement cannot be held to afford them such exemption. Nor can they claim exemption from local taxation. All that they are entitled to under the Summary Settlement is exemption from any increased demands on account of Imperial land revenue. (G. R. No. 1889, dated 19th April 1870.)

23. The Summary Settlement is not applicable to a "Sarv inám." (G. R. No. 5693, dated 14th November 1871.)

24. The person to whom the notice under Section 11 of the Summary Settlement Act No. II of 1863 was served, must be held responsible for due notice being given on any change of possession of any part of the land for which the settlement was made with him. Under clause 2, Section 5, each person obtaining possession of the land, whether by inheritance or transfer, is bound, within the period of one month from obtaining possession thereof, to give notice to the Collector, and in the event of his not so doing "shall forfeit, in addition to the nazrána leviable on the occasion, a sum equal to the amount thereof."

The holder by clause 3 is also bound to give notice, and this notice it appears must be given by the person with whom the agreement was made, who has accepted the position of the holder of the land.

Should any holder object to the position in which he stands to his sub-sharers, he might transfer in a formal manner their shares to them, when they would have to pay the usual nazrána. The very object of these notices is that Government may know who is placed in possession of the land, and when lands are so transferred without any lien being retained on them by the superior holder, the names of the parties to whom the lands are transferred will have to be entered in the Government accounts, and after that they will in every way be considered as the holders and owners of the land, and all responsibility on the part of the superior holder will cease. (G. R. No. 2940, dated 22nd May 1873.)

25. In the following case submitted by the Commissioner, N. D., for the opinion of the Legal Remembrancer with his letter No. 2694, dated 4th May 1874, the latter officer in his report No. 79, dated 6th July 1874, advised that Government had no power to interfere directly with the deceased's estate, and that the proper course was to request the Court to appoint an administrator under Section 9 of Regulation VIII of 1827 and to leave it to the Court to decide as to its eventual disposal:—

"I have the honour to ask for the favour of your opinion in the following case.

"A person had several fields to which the Summary Settlement had been applied, he paid a quit-rent of Rs. 2-13-0 and the nuksán or loss to Government is Rs. 10-15-0 per annum. Some 30 years ago he mortgaged these fields, and I understand that the debt for which these fields are held as security, is about equal to the full value of the property. The mortgagor is dead; he has left an heir who, however, puts in no claim to the deceased's estate because it is encumbered to its full or more than its full value. Practically, therefore, there is no heir and the property lapses to Government as an escheat. The mortgagee of course must get paid, but is it competent to him to object to the property lapsing to Government while his mortgage subsists, and can he object to receive his debt from Government on the ground that Government is not his debtor and is a stranger to the transaction, whose interference would put an end to the interest he now possesses in the property. I ask this supposing that Government may think it advisable to take the property and pay off the debt, but in this case must they take the whole property or the land only? Of course they will not be responsible for a greater sum than the value of the assets."

(G. R. No. 3608, dated 14th July 1874.)

26. In the case of inams adjudicated under Act XI of 1852 and declared permanently continuable subject to whatever orders Government may pass regarding the levy or remission of nazrána on succession, the first proviso in Section 5 of Act II of 1863 should be made applicable in cases where more than one succession occurs within one year, and nazrána at the rate of one year's income should be taken once on account of all such successions within a year.

As regards the minor ináms in respect to which no proviso for nazrána was made in the decisions, the terms of the decisions should be upheld and no nazrána levied. (G. R. No. 4624, dated 28th August 1874.)

27. The amount of nazrána is to be limited in all cases to one year's income. (G. R. No. 6440, dated 5th December 1874.)

28. Rule 1 annexed to Section 2 of Bombay Act II of 1863 only contemplates one assessment of an inám holding by the revenue survey for the purposes of that Act, and when at the time of the Summary Settlement the revenue survey has already imposed an assessment on any such holding, the rule requires that that assessment shall be accepted for the said purposes without further question.

The amount of the annual nazrána leviable under Section 2 and that of occasional nazrána leviable under Section 5 are both made to depend upon this assessment, if any have been imposed, the object clearly being that both should be fixed sums settled once for all.

Under this view, a revised survey settlement cannot affect the amount of the occasional nazrána which has been ascertained once for all under the rules annexed to Section 2 of the Act, in accordance with a previous assessment by the revenue survey.

(L. R. No. 18, dated 4th January 1887; *vide* G. R. No. 523, dated 21st idem.)

29. The following report of the Legal Remembrancer, No. 1326, dated 5th November 1881, on the subject of a disputed right to a share of an alienated village was communicated to all Collectors and the Commissioners of Divisions :—

"The correspondence shows that the inám village of Dári in the Násik Táluka of the Násik District was settled under Bombay Act II of 1863, and became the heritable transferable property of the holders. One-third share belonged to Sakhárám Dikshit and on his death, as he was separated from the rest of his family, it passed by inheritance to his widow, Lakshmibái, who by deed of gift transferred the share to her daughter, Durgábái. On the death of Lakshmibái the management of the share was taken over by Vináyak, a male collateral in descent from the original grantee, who now claims to be entitled to be recognized as owner of the share.

"2. The Collector is in favour of Durgábái's claim not only by reason of the deed of gift, but because she is the heir of her deceased mother. The Commissioner, C. D., on the other hand, considers that any claim Durgábái may have, cannot be recognized until she has obtained a certificate of heirship and legal possession of the share, while Vináyak is in actual possession and disputes her claim.

"3. The question actually involved is the payment of nazrána, a payment in accordance with ancient and established usage associated with the confirmation of hereditary claims. The disputant, who is allowed to pay the nazrána, must be considered the owner. The nazrána is to be levied from the person who obtains possession of the land to which it is subject, whether by inheritance or transfer.

"4. According to Hindu law, Durgábái is entitled to succeed to the share in question as the heir of her mother. Vináyak's possession, which seems to be the only substantial reason he has for his pretension, is nothing more than that of trustee, and he is responsible to the lawful heir for all the profits of the share since Lakshmibai's death.

"5 Under the circumstances stated in the *précis* of correspondence I am of opinion that as there appears to be no question at all as to the right of Durgabai to succeed, the production of a certificate of heirship is not essential, and that there can be no objection to her name being entered as the holder of the share. She is in legal possession of the share by inheritance apart from any right she may have under the deed of gift. A certificate of heirship would not help her to obtain actual possession, and should she be resisted by Vinayák, her only course will be to sue to eject him. But this has nothing to do with the entry of her name in the accounts and the levy of nazrána from her in accordance with law."

(G. R. No. 7139, dated 26th November 1881.)

30. The assessment under Section 5 of Act II of 1863 is to be ascertained with reference to Rule 3 under Section 2 when there is a mámul judi. Suppose, for instance, that inám land assessed at Rs. 243 and subject to the payment of old or mámul judi Rs. 3 has been brought under the operation of the Summary Settlement, Rs. 60—that is to say, one-fourth of Rs. 243 *minus* the old judi Rs. 3—has been fixed as the chauthái, and as regards the nazrána it has been agreed that the occasional instead of an annual nazrána shall be paid. In this in-

stance, Rs. 240 (*i. e.*, the full assessment *minus* Rs. 3 mámul judi) should be taken as the assessment under Section 5. (G. R. No. 3294, dated 23rd April 1885.)

31. If the assessment of a village for the purpose of settling the amount of quit-rent payable under the Summary Settlement by the Inámdár of that village has been already once for all fixed under either Rule 1 or Rule 2 of Section 2, Bombay Act II of 1863, it cannot now be questioned; but if the question of the proper assessment of any village or of any portion of a village was expressly reserved for future consideration, there would be good ground for completing what was previously left unfinished.

A reference to the above-mentioned Rule 1 will show that it is erroneous to say that settlement judi is liable to modification 'on the introduction of survey rates' into an inám village. All that the rule contemplated was that in the case of villages as to the assessment of which, for the purpose of calculating Summary Settlement quit-rent, the Collector and the holder could not agree, the assessment should be 'the existing rental of the lands until the revenue survey * * * shall have placed a new assessment thereon, after which the assessment so placed by the said revenue survey shall be understood to be the assessment.' There is a great difference between the introduction of survey rates into a village and the placing of an assessment in a village by the revenue survey, and if the settlement of the assessment has been deferred in any case till the former occurrence takes place, the procedure has been irregular. In several districts the revenue survey assessed some inám villages merely for the purpose of satisfying the requirements of the above Rule 1. Where this has been done, the assessment fixed by the survey is final, whether the survey assessed kuráns and waste land or not.

Inám land could, of course, not be forfeited to recover any illegal demand, but if an Inámdár refused to pay quit-rent lawfully due by him, all the methods prescribed by the Revenue Code for the recovery of revenue demands could be enforced against him or his property.

(L. R. No. 267, dated 24th February 1886; *vide* G. R. No. 1957, dated 12th March 1886.)

32. When the quit-rent payable under Bombay Act VII of 1863, Section 6, Rule 4, in respect of summarily settled alienated land has once been imposed as ascertained by an assessment made by the Revenue Survey, it cannot be affected in any way by any subsequent revision of survey. The words of the rule seem so plain that no other interpretation can be placed on them. The rule runs—

> 'Quit-rent imposed under this section (Section 6) shall not be liable to increase or decrease on any new assessment save in so far as is above in Rule 1 of this section (Section 6) provided to the contrary in the case of lands which have not been

already assessed by the Revenue Survey now in progress.'

The Legislature evidently contemplated the possibility of a fall as well as a rise in the assessment on revision, and declared that revision rates should not affect the *quit-rent* once imposed on the assessment.

Under Section 6, Rule 3, the quit-rent is calculated at one-eighth of the then assessment *minus* any sum which irrespective of the settlement was payable to Government. This quit-rent could not be affected by revision. But if the sum which was payable irrespective of the Summary Settlement had been imposed under Section 5 of Bombay Act VII of 1863, (repealed by Bombay Act V of 1879, and replaced by Section 49 of that Act), as a *commuted assessment*, such commuted assessment could not be in excess of the assessment to which the land would ordinarily be subject, if no right to exemption existed in respect thereof. Though revision would affect such commuted assessment, it could not affect in any way the quit-rent ascertained under Bombay Act VII of 1863, Section 6, Rule 4.

There is no provision of law which requires judi to be reduced to the level of a revised assessment. It is, of course, competent to Government to allow such a revision as an act of grace, but it could not be claimed as of right.

(L. R. No. 609, dated 8th June 1889; *vide* G. R. No. 4733, dated 3rd July 1889.)

33. Bombay Act VII of 1863 empowers Government to treat *only* with holders. Government are bound to issue sanads to holders unless they demand inquiry, and are not at liberty to recover a summary settlement from any but the holder, his agents or assigns.

Now a "holder" is a person in possession either himself or by his tenants or agents.

A person who has not such possession cannot receive a sanad or be charged summary settlement. Nor can a person in possession be ignored (*vide* I. L. R., VI. B., 247).

Government have nothing whatever to do with questions of disputed title, and are only concerned with possession. If they issue sanads to persons in possession, *i.e.*, to holders, they secure their own revenue without incurring any liability to suit. For whoever may ultimately prove to be the real owner will be bound to pay the summary settlement on obtaining possession, while the issue of a sanad to a person in possession without title, does not prevent the real owner from establishing his right against the person in whose name the sanad has been issued (*vide* Section 7, proviso, of Act VII of 1863, and Bombay High Court Printed Judgments for 1880, page 60.)

The issue of a sanad under Act VII of 1863 is only evidence of a settlement by Government, that

the person, whoever he may be, in possession of certain land shall be liable to summary settlement, and no more, and that the rights to transfer such land subject to such liability will not be questioned by Government.

Such an agreement under the Act must be entered into with the holder, the person in possession (whether personally, by his agents or tenants) and thenceafter is enforceable against any subsequent holder or person in possession. It cannot be made with, or enforced against any one else.

No one can enter into an agreement that land in some one else's possession shall pay summary settlement.

Nor can Government require any person to enter into an agreement to pay summary settlement for land which is not in that person's possession.

If summary settlement is not paid, the holder of such land alone will be responsible, and he will only be responsible if liability was accepted either by himself or by some other person who at the time of the acceptance was the holder, *i.e.*, in possession.

(L. R. No. 514, dated 20th May 1899; *vide* G. R. No. 4179, dated 10th June 1889.)

34. The answer to the question what is the date from which payment of summary settlement can legally be demanded under Bombay Act VII of 1863 from a person who has agreed to accept the same, appears to be supplied by Sections 6 and 2 of the Act.

Section 6 so far as it relates to this point runs as follows:—

> "When the Governor in Council shall, under clause 1 of Section 2, finally authorize and guarantee the continuance in perpetuity to the holders * * of land
> * * * * * *
> * * * * * *
> such lands shall *thenceforth* be * * subject to a fixed annual payment to Government calculated at the rate of annas two for each rupee of the assesssment, &c."

Expressio unius est exclusio alterius, and it, therefore, follows that lands summarily settled do not become liable till the final authorization and guarantee under clause 1 of Section 2.

Clause 1 of Section 2 specifies when and how this final authorization and guarantee are to be given. Excluding irrelevant matters the clause runs:—

> "When the holders * * shall consent to the terms, &c. * * it shall be lawful for the Governor in Council to *finally authorize and guarantee by sanad* the continuance in perpetuity of the said land, &c."

It therefore appears that the Legislature has unambiguously expressed its intention that summary settlement should be levied in each case only from

the date of the granting of the sanad, and not either from the date of the Act, or of notice, or of the consent of the holder to the terms and conditions. (L. R. Nos. 1871, dated 20th October 1890, and 871, dated 26th May 1892; *vide* G. Rs. Nos. 134, dated 7th January 1891 and 4891, dated 10th June 1892.)

35. The word 'succession' does not appear to include 'transfer' or 'assignment,' nor does the word 'successors' appear to include 'transferees' or 'assignees.' In the summary settlement also change of possession by inheritance is called succession, as distinct from transfer. The phrase 'succession duty' implies no liability on transfer *inter vivos*. The condition of a grant that nazrána should be leviable on successions or from successors does not, therefore, appear to impose a liability for nazrána on transfer to an auction-purchaser. (L. R. No. 1156, dated 3rd August 1892; *vide* G. R. No. 6701, dated 20th idem.)

II.—TERMINABLE INA'M SETTLEMENT.

1. Lord Elphinstone's scheme for the conversion of ináms already declared continuable for one or more lives into permanent partial alienations upon the holders agreeing to purchase this commutation by the payment of a certain portion of the assessment, was approved in Sir Charles Wood's despatch No. 89, dated 24th December 1864. The terms of the settlement, which is called the "Terminable Inám Settlement," were as follows:—

1. Holders of ináms continuable for one life to pay two-thirds of the revenues.

2. Holders of ináms continuable for two lives to pay half the assessment.

3. Holders of ináms adjudicated to be continuable for three lives to pay one-third the assessment.

In the case of life-holdings it was further ruled that, in the event of any holder dying before the expiration of 10 years from the date of his accepting the settlement, succession would only be allowed on the amount due to Government for the unexpired period being paid as nazar. (G. Rs. Nos. 2115, dated 6th June 1864, and 530, dated 9th February 1865, and despatch to the Secretary of State, No. 43, dated 13th December 1875.)

2. No lapsed holding was revived under the Terminable Inám Settlement, and the terms of commutation were only offered in instances in which an individual during whose life a holding would not lapse to the State, was alive. Grants by the British Government were also treated under the settlement.

The terms of commutation were based upon the state of the holding at the time of the settlement and not upon its condition at the date of decision

by the Inám Commision or grant. This principle being decided upon, all distinction between the treatment of life-holdings, whether originally adjudicated to be continuable for life or which by circumstances had become life holdings, was abolished. In the event of the holders of life ináms not surviving ten years from the date of acceptance of terms, the balance of revenue for the unexpired period was ordered to be paid up before succession could be allowed, and it was directed that no nazrána should be levied on succession to or transfer of these holdings.

An inám entitled to continuance for one generation further than that in which it was on 6th June 1864, but the holder of which had no sons, was treated as in its last generation but one.

The offer of the terms of commutation took the form of a simple question by the local executive officer to the recognized holder or his representative, and if he agreed in writing, the settlement was carried out, and if he refused, the holding remained for escheat to the State in due course, according to the terms of the original decision or grant.

The 6th June 1864 was fixed as the date on which an inám must have been in existence to be included in the Terminable Inám Settlement.

(G. Rs. Nos. 2900, dated 1st August 1864; 3165, dated 20th August 1864, 4506, dated 14th November 1864, and 916, dated 2nd March* 1865.)

3. In the case of the widow of a last proprietor of an hereditarily adjudicated inám, the Terminable Settlement should be applied. But this order is not to have retrospective effect. (G. Rs Nos. 3139, dated 24th July 1865, and 3939, dated 19th September 1865.)

4. The name of the individual in whose favour a life decision on an inám has been passed, and who has agreed to the "Terminable Inám Settlement," is not to be removed from the lists, and that of the person to whom it is intended to assign the holding should not be substituted. (G. R. No. 3135, dated 24th July 1865.)

5. The following questions having been raised with regard to the mode in which the Terminable Inám Settlement should be carried out, answers

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* The holder of an inám in the last generation but one on 6th June 1864, died on 1st August following before he could be asked whether or not he agreed to be assessed half. He had no sons, and so his nephew became the heir. The question was raised whether the latter should be required to pay down a sum (20 years' half assessment), the interest of which at 5 per cent. would equal the revenue relinquished. In this case it was held that the inám should be treated as though the settlement had been accepted, and continued to the nephew on payment of half assessment, provided he consented to pay the arrears due from 6th June 1864, and that no lump sum was recoverable from him. (G. R. No. 4912, dated 6th December 1865, and G. M. No. 5103, dated 23rd idem.)

were recorded by Government as shown opposite each question:—

Question.	*Answer.*
1st.—If the last generation consists of several brothers, and the eldest dies within the prescribed ten years, are the survivors to pay up the balance, and, if so, who is to do so, *i.e.*, the eldest surviving brother, or the heir of the deceased?	*1st.*—Nothing is due during the existence of the generation, *i.e.*, during the lifetime of all the brothers.
2nd.—On the death of all the brothers who is to pay up the balance, *i.e.*, the heir of the elder, the heir of the younger, or the heir of the last survivor?	*2nd.*—Cases of this kind must be decided on their merits. If there is a disagreement, payment should be demanded from the party actually in possession; and if this point cannot be ascertained, from the heir of the eldest brother.
3rd.—In the event of a disagreement as to the acceptance of the terms, whose wishes are to be acted on?	*3rd.*—*Vide* the preceding answer.
4th.—How are cases to be disposed of where the judi equals the amount of assessment?	*4th.*—The practice adopted in Belgaum should be carried out elsewhere, and summary settlement sanads issued gratuitously.
5th.—How are the cases to be disposed of when the judi is in excess of the assessment?	*5th.*—The Alienation Settlement Officer, S. D., recommends that sanads should be granted gratuitously in the case of unadjudicated ináms; but that in the case of ináms adjudged to be terminable, no sanads should be issued, but that the ináms should be allowed to lapse according to decision. Sanads should be granted gratuitously in both instances.

(G. R. No. 1365, dated 6th April 1867.)

6. In the case of ináms coming under the Terminable Settlement the entry of new names may be made on transfer by sale, &c., provided the balance of the lump-sum payment of judi settled on the ináms is paid up in advance. (G. R. No. 3545, dated 10th July 1874.)

III.—DUMA'LA VILLAGES.

1. Dumáldárs are not entitled to fees on copies of the records of their villages. Every person in-

terested in the accounts of a village is entitled to take copies of the accounts free of charge.

It is impossible to lay down a hard and fast line to regulate the conduct of Pátels and Kulkarnis towards the Dumáldárs of their villages. The custom of the country should be adhered to as far as possible.

It would not be practicable to direct that whenever a village officer's presence is required, he should be summoned through the Dumáldár, who may be away, nor are the Dumáldárs entitled to demand that this be done. The village officer's replies to Government references must also be sent direct. If any information is required from the Dumáldárs they will be addressed, and not the village officers.

(G. R. No. 1725, dated 1st April 1874.)

2. The practice of receiving nazarbhets from Pátils of dumála villages and of making presents of turbans to them in return at the time of the jamábandi should be discontinued. (G. R. No. 5007, dated 18th July 1890.)

IV.—JA'GHIRS, &c., IN SIND.

1. The terms of Sir C. Wood's despatch ordering that pátidári grants should be continued on the existing terms to the present holders and their descendants in lineal succession, does not mean that, in case of failure of heirs to the holder at the time of the settlement, the grant should lapse, even if there be a descendant of the original holder alive. One of the principles of the jághir settlement was that while grants made by the Tálpurs during the period immediately preceding British rule were to be resumed after a certain period of enjoyment, grants made at an earlier time, much more those which dated from a time previous to the Tálpur conquest in 1783, should be continued hereditarily. The pátidári grants (which only involve a revenue of Rs. 8,600) are all traceable to the time of the Afghan Rulers of Sind and are supported by title deeds. Their antiquity is unquestionable. Sir B. Ellis, therefore, recommended that they should be left intact as long as a lineal descendant of the original grantee survived. The Government of Bombay supported this recommendation and the Government of India sanctioned it. The Secretary of State, Sir C. Wood, in reviewing the proceedings, remarked that the "amount of alienations could not under the circumstances be considered too liberal" and that he "must rely on the assurance of Government that it was sufficiently so." It is clear, therefore, that, had the Secretary of State intended to disallow any recommendation on behalf of the pátidárs, the same would have been specifically mentioned, and, in the absence of this, Government have no hesitation in authorizing the Commissioner in Sind to continue the pátidári grants to lineal male descendants of the original grantees. (G. R. No. 1840, dated 10th April 1878.)

2. Apart from the Government rental on the land, the Zamindárs in Sind have certain haks under the name of zamindári, lafa, deh kharch, which vary in almost every village and district.

The Sind Survey Settlement Officer should, in making his settlement, define what are the rights of the Zamindárs in each village, or class of tenures, and should either consider them in the lump sum to be paid by the Zamindárs to Government, or where the occupants hold direct from Government, fix the amount or the share of the produce the Zamindár is entitled to, and having included it in the jamábandi, pay him the amount from the treasury annually out of the collections. (G. R. No. 5329, dated the 18th October 1878).

3. Although the Jághirdárs (Beluch Chiefs) of the Upper Sind Frontier District have no legal claim to exemption from payment of the hakába and local cess, and Government would be acting strictly within their power in enforcing the payment, there is sufficient reason why Government should refrain from exercising their right. The amount payable is comparatively trifling, but the Jághirdárs are not men in affluent circumstances, they have rendered and are rendering efficient service of the nature demanded from them and on account of which they hold their lands, and valid political reasons exist to induce Government not to require them now to pay these rates. The Jághirdárs should, however, be told that the concession is a pure matter of favour and is revocable at the pleasure of Government, and that their lands are strictly service grants held in consideration of services to be rendered and of the exertions of the holders to preserve peace and order on the frontier; that the collection of hakába is foregone only so long as the cost thereby incurred by Government without return is moderate, that is to say, if a Jághirdár takes advantage of the indulgence to farm out his jághir and bring large areas under cultivation with great profit to himself and much increased consumption of Government water, such terms will be imposed as may be necessary to secure the public interests. If it should appear unnecessary to make the concession in perpetuity, the hakába and local cess should be imposed on the first succession to a jághir after the date of the issue of these orders. All large land-holders may reasonably be expected to contribute to the local cess as a fund for the execution of works of local benefit, but if the Jághirdárs cannot be prevailed upon to pay it voluntarily at once, the payment should be exacted on the occasion of the first succession, at any rate on the cultivated area. Formal sanads clearly embodying these conditions may be issued to these Jághirdárs. It should be distinctly expressed in the sanads that the levy of hakába and the local cess is postponed as a matter of favour and during good behaviour and for so long only as may seem proper to Government in regard to the circumstances of the district and the particular estate. (G. Rs. Nos. 1171, dated 25th July 1881, and 9406, dated 21st December 1883.)

4. The nature of a jághir as an essentially resumable estate should not be overlooked. This character of a jághir is expressly insisted on in

*Repealed by Act VII of 1863.

Bombay Regulation XVII of 1827, Section 38,* and it has generally been held in the Courts that even when a jághir has by good will or sufferance or neglect been continued for generations, any alienation carved out of it by an individual Jághirdár would not subsist beyond his life. In such estates there is a reversionary right retained by the overlord, which cannot be impaired by grants out of the limited estate either of corporeal or incorporeal rights. Were it otherwise, the purpose of the grant would generally be defeated. (G. R. No. 89, dated 10th January 1888.)

V.—INA'MS GENERALLY.

1. A grant in inám does not convey an hereditary title unless the hereditary tenure be specified. (G. R. No. 1366, dated 11th April 1860.)

2. A grant "to a man, his children and grandchildren" or to "his descendants in lineal succession for generation after generation in perpetuity and for ever," when unburdened with condition as to prospective service, and free from religious and charitable trust, confers an absolute estate and is, therefore, alienable. (L. R. No. 439, dated 22nd April 1893; *vide* G. R. No. 3541, dated 15th May 1893.)

4 B. H. C. R., 1 A. C. J. West and Bühler Hindu Law, p. 721, and cases there quoted.

Mayne's Hindu Law, Section 365, and cases there quoted.

3. Whenever a separate survey number can be formed from the excesses in inám lands discovered by the Survey Department, it is better to form it than to distribute the assessment of the excess over the whole alienated land. When no separate number represents the amount of excess, the holder may pay, as judi on the whole, the assessment on the excess so far as it cannot be contained in a separate survey number, and if the holder do not wish this, the Superintendent must direct the demarcation of the portion in excess.

With regard to the village servants, there is no objection to their being allowed to retain land found in excess of the authorized holding whenever the whole, including the excess, is not more than is required for their remuneration for the performance of service. (G. R. No. 2877, dated 17th August 1860.)

4. Itlák inám allowances in the Ratnágiri Collectorate, which are cash assignments in lieu of lands, should be settled on the principle of the summary settlement. (G. R. No. 3348, dated 1st October 1863.)

5. The following proposals of the Revenue Commissioner, S. D., relative to the treatment of inám lands in the Khándesh Collectorate, a large proportion of which may be waste, were approved by Government:—

"I would propose that in Khándesh, the circumstances of which Collectorate as regards want of cultivation are altoge-

ther exceptional, any Inámdár, a large proportion of whose holding may be waste, be relieved of the payment of chauthái *in cash* on his giving up to Government uncultivated land assessed at an amount exceeding the proper cash chauthái by one-third, that is, at one-third (instead of one-fourth) of the assessment of the entire holding, the remaining two-thirds being held subject only to the annual nazrána of one anna for each rupee of their assessment. A person holding an inám of rupees one hundred and twenty and therefore liable to pay rupees thirty *in cash* as chauthái, might thus, if a large proportion of his holding be uncultivated, get rid of the cash payment, by giving up waste land assessed at rupees forty,* the remaining eighty rupees worth of land (including all that is cultivated) being held by him subject only to an annual nazrána of eighty annas or five rupees. To cover the *most* extreme cases, the Collector might be allowed to remit the nazrána by his special order in any year when he might be satisfied that its payment would press heavily on the Inámdár as bearing a high proportion to the value of the land under cultivation, and actually yielding rent to the Inámdár. As for instance if only five or six rupees worth of the inám of one hundred and twenty rupees assessment mentioned as my last illustration were under cultivation and paying rent.

* Rs. 30 plus a third more Rs. 10.

"On the same principle the judi † due to Government on account of a partially assessed inám might, if a considerable portion of the inám were waste, be relinquished on the holder giving up waste land assessed at a third more. Thus if rupees thirty be due as judi on an inám valued at Rs. 100, of which one-half is waste, the Inámdár might be for ever exempted from the payment of the judi Rs. (30) on his giving up waste land valued at rupees forty ‡, the remaining (Rs. 60) worth of land being treated as *surv* inám subject under the summary settlement to rupees 15 as chauthái and rupees three and annas twelve as annual nazrána. Should the sixty rupees worth of land also include a large proportion of waste, the Inámdár might further have the option of giving up in lieu of the chauthái payment of rupees fifteen, waste land assessed at rupees twenty, the remaining forty rupees worth of land being held subject only to the annual nazrána of forty annas, which, if found to press heavily in consequence of want of cultivation, might be remitted from year to year so long as requisite, under the special orders of the Collector. This provision is proposed only to meet the case of ináms of which such a large proportion may be waste and would probably for years continue to be so, as to render even the payment of the regular annual nazrána a hardship."

† From a letter of the Acting Collector of Khándesh, No. 1307, dated 25th October 1861, it appears that in most parts of that Collectorate the judi due on inám land is not levied *in full* unless the land is *fully* cultivated. Thus, if in any one year one-half of certain land remained waste, only *half* the judi due on it would be levied in that year. The arrangement proposed here would put a stop to these varying payments.

‡ Rs. 30 plus a third more Rs. 10.

Rs. 15 plus a third more Rs. 5.

(G. R. No. 99, dated 9th January 1862.)

6. In the Northern Division the practice of allowing relinquishments of portions of inám lands in lieu of the settlement judi payable on the entire holding has obtained only in the Panch Maháls, in the Southern Division only one isolated case occurred in Kaládgi so far back as 1864, and in the Central Division the practice has only prevailed in Khándesh and in the tálukas of Násik transferred to that district from Khándesh. In Khándesh the custom has been to allow the land of the value

of 8 annas in the rupee to be relinquished in lieu of the settlement of 6 annas in the rupee. In other words, Government require a margin of one-third of the amount of settlement as compensation. The same system of calculation should be followed in the Panch Máhals as is observed in Násik and Khándesh. (G. R. No. 2798, dated 1st January 1880.)

7. When an Inámdár dies without heirs, his inám land should at once be made khalsat, and dealt with as the Collector thinks proper, subject to any order which may be made by the Civil Court under Section 10 of Regulation VIII of 1827. Should in any case, after land has been made khalsat, heirs of the deceased Inámdár appear, the matter should be referred for the orders of Government, who will issue suitable orders.

The right of occupancy in lands thus made khalsat is not be be sold in such manner as to disturb actual possession. (The right of occupancy as superior holder in inám land vests in the Inámdár, and not in his tenant.—The Inámdár's right will be sold, subject to the tenant's actual possession.)

These orders are not intended to interfere in any way with the provisions of Acts II and VII of 1863.

(G. Rs. Nos. 1983, dated 25th April 1372, 2935, dated 19th June 1872, 3605, dated 25th July 1872, and 4100, dated 19th August 1872.)

8. The holder of an inám cannot convey to another person any right over the inám lands greater than his own. If the lands in his possession were liable to resumption on the happening of a certain contingency (such as the death of the holder) they are equally so liable in the possession of the holder's mortgagee. The contingency in question having happened, and the lands having been resumed, the claim of the late holder's mortgagee thereto ceases to exist, whatever claim he may have against the heirs, if any, of the deceased. On the reversion of the land to the original grantor, all subordinate rights therein created by the grantee necessarily lapse also.

But 'resumption' does not mean ousting of possession. It is always taken to mean the continuance of the land in the hands of the actual occupants thereof so long as they do not fail to pay the full assessment leviable in respect of it. (L. R. No. 1003, dated 27th July 1883; *vide* G. R. No. 5953, dated 11th August 1883.)

9. Land wholly or partially exempt from the payment of Government land revenue is liable on the death of the last holder intestate and without known heirs to be dealt with under Section 10 of Regulation VIII of 1827, and the High Court may direct either (*a*) that it should continue under the management of an administrator appointed by the District Judge, or (*b*) that it be sold under the authority of the Court, and that the proceeds be deposited in the public treasury for the eventual benefit of all concerned.

If the latter course be taken, the exemption being a heritable transferable property, the land must

necessarily be sold free from liability to assessment, as otherwise the person entitled to the proceeds would lose part of the value of the estate.

But if this sale takes place, Government must necessarily lose what, if there are no heirs or assignees of the intestate, Government would otherwise gain, *viz.*, the right to the full assessment which might be levied on the extinction of all rights to exemption.

Government modified Resolution No. 1983 of 25th April 1872 by Government Resolution No. 2935, dated 19th June 1872, by directing that the Collector should deal with such lands subject to any order that may be made by the Civil Court under Regulation VIII of 1827, Section 10. But the Resolution thus modified directs the Collector to declare the lands *khálsa* at once, and leaves any heirs that may subsequently appear to be referred to Government.

It has been pointed out that an order declaring the land khálsa may be practically set aside by an order of the District Judge appointing an administrator, and that no executive order could operate to make the land khálsa. This difficulty is one that could only arise when the High Court has directed the *sale* of land wholly or partially exempt for the eventual benefit of all concerned.

But this procedure would only be followed in cases in which no person had appeared and established a right.

Before such procedure can be taken, Section 10, clause 1, requires a proclamation to issue calling upon the heir of the deceased or *any person entitled to receive charge of the property* to attend and prefer his claim, and under clause 3 of the same section, if any person appears and satisfies the Judge of his right to the possession of the property or any part of it as heir, executor, administrator *or otherwise*, it *shall* be delivered up to him.

If no such person appear or establish such right, there are two alternatives open to the High Court:

(*a*) to direct the property to continue under the management of an administrator for a further period, or

(*b*) to direct a sale.

But if there be no heir, assign or other person claiming through the deceased intestate, the property lapses to the Crown by escheat.

The property vests in Her Majesty not by virtue of Regulation VIII of 1827, but by virtue of the territorial law of British India.

1 Beng. L. R., O. C., 87.

On failure of heirs, the Collector would be as much 'entitled to receive charge of the property' on behalf of Her Majesty, as any other person to whom rights accrued on the death of the deceased.

If any heir subsequently appear, the result would be the same as if the estate had been claimed by a private person whose right was afterwards found to be excluded by a better title.

In such case, Government would be responsible to such heir.

But there is no necessity for a sale by the Court, nor could the property be sold, if the Collector claimed that he was entitled to receive charge of the property on behalf of Her Majesty.

In order, however, to avoid the risk of litigation in such cases as to claims that might afterwards be brought forward, the High Court might be moved to direct under Section 10, clause 4, that such property should continue under the management of an administrator, until such period had elapsed as would render the chance of any claim being preferred infinitesimally small, and Government might then through the Collector put in their claim to the property as having passed to Her Majesty by escheat. The land could then be dealt with as proposed in Government Resolutions Nos. 1983 and 2035 of 1872.

The declaration that the land had become khálsa would no doubt be inoperative as against any person purchasing the property as the estate of the deceased under the order of the Court. But such an order could not be passed if the land were claimed by the Crown. For sale can only be directed when no one appears and establishes a right to receive charge of the property. Government appear to have as good a right to put in their claims and protest against such sale as any other claimant to the estate of an intestate, and if it appear that there are no heirs, &c., the Courts would be bound to recognize the right of the Crown, and to direct delivery to its officers, on such claim being preferred, instead of directing a sale.

The point has, so far as can be ascertained, never been decided, but there are several cases on record in which Government have claimed the right to specific property by escheat and there is no law which requires that instead of taking the specific property, Government would be entitled only to the proceeds realised by its sale. Legislation seems, therefore, unnecessary.

The question involved might perhaps be raised in a test case if desired, and if the High Court hold that intestate property must in all cases be sold whether the right of the Crown is put forward or no, steps might then be taken to modify the law as to the procedure to be taken in such cases. But the rights of the Crown do not depend on Regulation VIII of 1827, and Section 10, clause 4, only prescribes the procedure when no claim whatever is preferred to the property.

(L. R. No. 1221, dated 9th November 1888; *vide* G. R. No. 8407, dated 15th December 1888.)

10. The benefit of the summary settlement accrues to each successive holder or tranferee, and it is immaterial under both of the Summary Settlement Acts (*vide* Section 3 of Bombay Act II of 1863 and Section 7 of Bombay Act VII of 1863) whether the adjustment is made with a *de facto* or a *de jure* holder.

Apparently the only way in which Government can take advantage of an escheat of alienated land or the decease of a holder intestate and without heirs, is by claiming it on behalf of the Crown and declaring it to be khálsa instead of allowing it to be sold under Regulation VIII of 1827 as the property of the deceased.

(L. R. No. 802, dated 28th June 1893; *vide* G. R. No. 5137, dated 14th July 1893.)

11. The following are the rules for the settlement of the land and cash alienations (other than those to District Hereditary Officers) in the Panch Maháls:—

Settlement of Land Alienations.

(1) All lands held in trust for religious or charitable institutions, the estimated value of which has been allowed for in the exchange of territory with His Highness Scindia, shall be continued in perpetuity as endowment property, provided that the proceeds are still devoted to the support of the institutions for which they were originally granted.

(2) All lands held by individuals as personal ináms without the condition of service, the estimated value of which has been allowed for in the exchange of territory with His Highness Scindia, shall be continued hereditarily to lineal male heirs in male descent of persons who were in possession at the time of the cession of the Panch Maháls, or of those whose names are found entered in the accounts or in any authentic documents of His Highness Scindia; or in perpetuity as heritable and transferable property on the payment of the two-anna quit-rent levied in Gujarát under Act VII of 1863.

Note.—Inám lands which were allowed for in the exchange accounts, but which are now found to be held by the widows' daughters and daughters' sons of those whose names appear in Major Buckle's Book may be allowed to be held as heritable and transferable property on payment of a quit-rent of two annas in the rupee. If the holders decline to accept these terms, their inám lands should, at their death, be resumed. (G. R. No. 1428, dated 9th March 1881.)

(3) All lands held in trust for religious or charitable institutions, the value of which was not allowed for in the exchange of territory, but proved by entries in the village accounts or otherwise to have been wholly or partially free of assessment for a period of 12 years antecedent to 1860-61 (the date of the cession of the Panch Maháls to the British Government), or to have been recognized as wholly or partially rent-free by British officers during the period (1852-53 to 1859-60) the Panch Maháls were under the political superintendency of the British Government on behalf of Scindia, shall be continued in perpetuity as endowment property, provided that the proceeds are still devoted to the support of the institutions to which they were originally granted.

(4) All lands held by individuals as personal ináms without the condition of service and circumstanced as stated in Rule 3 which may have

been registered under the notification of the 22nd December 1865, published with the sanction of the Revenue Commissioner, shall be continued in perpetuity as heritable and transferable property subject to the payment of the two-anna quit-rent levied in Gujarát under Act VII of 1863.

(5) All lands not fulfilling the conditions laid down in Rules 1 to 4, but claims to which may have been registered under the notification of the 22nd December 1865, may, unless the claims appear to the Settling Officer to be so entirely unfounded as to warrant resumption, (in which case an appeal will lie as hereinafter provided), be continued, subject to the payment of a quit-rent of from one-fourth to one-half of the survey assessment, in perpetuity as endowment property in the case of those held in trust for religious or charitable institutions, and as heritable and transferable property in the case of those held as personal ináms. Provided that lands claimed by hereditary district and village officers on any other than service tenure shall be considered as held on that tenure, unless they are proved to be held on some other tenure to the satisfaction of the Settling Officer.

Note.—The intention of this rule is that the quit-rent of these lands should be fixed in accordance with the revenue settlements as made from time to time; in other words, that the *proportion* to be paid by the watandárs should be fixed in perpetuity, and the actual amount payable by them would vary with the settlements of land revenue made from time to time. (G. R. No. 6636, dated 24th December 1878.)

(6) The non-entry in the village and survey accounts of any lands claims to hold which wholly or partially rent-free have been registered shall not be considered conclusive evidence of the non-existence of the exemption claimed, and *vice versâ*.

(7) In the case of the disallowance of a registered claim under the 5th Rule, an appeal may be made within a month of the date of decision to the Revenue Commissioner, N. D., whose order in the case shall be final.

(8) Claims of Pátels or other hereditary village officers or village servants to hold on condition of service shall be disposed of under the rules sanctioned by Government for the settlement of the emoluments of village officers. Provided that "Jivái," or maintenance land, shall not be considered to be held for the performance of Pátel's service merely on the ground of its being held by a Pátel, and shall not be appropriated or set apart as the official remuneration of a Pátel, except under special arrangement on the general settlement of pátelships in the district.

(9) Lands claimed by several parties, but not in the actual possession of any of them, shall be fully assessed provided that if within a year from the date of the Settling Officer's order a decree from a Civil Court be produced declaring the right of any particular party, and it be shown either that the officer in revenue charge of the district has been made a party to the suit and the

claim has been allowed notwithstanding his opposition, or that that officer admits the claim to exemption, only the quit-rent that would ordinarily have been imposed on the land under these rules shall thenceforward be levied.

(10) All proceedings under these rules shall be summary, and no appeal shall lie from the decision of the Settling Officer except in the cases provided for in them.

(11) Any person not attending before the Settling Officer to support his claim within one month of his being summoned to do so shall be liable to have full assessment imposed on his land, and no appeal shall lie against such decision.

(12) The word "lands" in these rules includes villages and shares of villages.

Rules for Cash Allowances.

(1) Allowances held on behalf of temples, mosques, or other religious institutions and allowed for in the accounts of the exchange of territory between the British Government and His Highness Scindia to be continued permanently as devasthán grants.

(2) Allowances held as above, but not allowed for in the exchange accounts, to be subjected to a deduction of one-half whenever enjoyment for twelve years previously to the intruduction of British rule in 1860 cannot be established, and of one-fourth when such enjoyment can be proved, and continued permanently as devasthán grants.

(3) Allowances going below one rupee by the process of deduction to be bought up at twenty times the reduced amounts and struck off the accounts.

(4) Allowances paid from different villages or tálukas on account of the same institution to be amalgamated and disbursed in one sum from the treasury of the district in which the institution is situated.

(5) Allowances of Rs. 5 per annum and under to be paid through the Pátel of the villages in which the devasthán are situated. All above this amount to be paid direct from the táluka treasuries.

(6) All dharmáda allowances held by individuals in their own behalf and allowed for in the exchange accounts to be continued hereditarily to the lineal male descendants in male descent of the persons who were in authorized possession at the time of the cession or of those whose names are found entered in the accounts, though deceased, and also of those whose names are entered in any authentic document issued by the Government of His Highness Scindia.

(7) Dharmáda allowances held by individuals on their own behalf, but not allowed for in the exchange accounts to be subjected to a deduction of one-half whenever any enjoyment for twelve years previously to the introduction of British

rule in 1860 cannot be established; the deduction to be one-fourth when such enjoyment can be proved. Such allowances to be continued hereditarily or, at the option of the holders, bought up at ten times their amounts. All items, however, of Rs. 5 and under to be bought up irrespectively of the consent of the holders.

(8) Allowances held by village hereditary officers and village servants to be disposed of under the rules laid down by Government for the settlement of this description of holdings.

(9) Payments of the nature of Malvera to be discontinued and appropriated towards giving Chowra Kharch allowances to Pátels.

(10) Special cases to be disposed of on their merits.

(11) Practions attaching to allowances, whether in their original or reduced amounts, to be got rid of under the usual rules.

(G. Rs. Nos. 4656, dated 19th September 1872, and 2537, dated 3rd May 1875.)

12. When isolated inám lands placed under attachment can be managed by the Taláti or Kulkarni of the village in which they lie, and do not exceed in value Rs. 100 a year, no deduction should be made, but when they have to be managed in any other than a directly managed khálsa village, the usual percentage for management should be charged, however small the annual value of the land under attachment may be. (G. R. No. 5753, dated 22nd November 1872.)

13. Their Lordships of the Privy Council in the case of *Forbes* v. *Mir Mahomed Taki* (*13 Moore's I. A. 463) reviewed the decided cases, and stated that "the conclusion they would draw from them, as well as from the reason of the thing, is that in every case the right to resume must depend in a great measure upon the nature of the particular tenure, or the terms of the particular grant." And they further agreed with the observation of Mr. Justice Jackson in *Báboo Koolodeepsing* v. *Máhadeosing* (VI. W. R. 199) "that there is a clear distinction between the grant of an estate burdened with a certain service, and the grant of an office the performance of whose duties is remunerated by the use of certain lands." Their Lordships further held that "where the continued performance of certain service is, upon the true construction of the grant, the condition on which the lands are to be held" the tenure is liable to resumption, and they seem to have approved the decision of the Sadar Diwáni Adálat allowing land to be resumed in the case of *Máhárája Shreeschunder Bál* v. *Madub Mochee* on the ground that "the tenant whose services had been dispensed with or had otherwise ceased, was clearly the mere private servant of the Mahárája. He was the person bound to perform all the leather work required in the family.

* The case is also reported at 5 B. L. R. 529, and at 14 W. R. 28 P. C.

These are the principles which must now be recognized by the Courts of India in deciding questions relating to the resumption of service lands.

(L. R. No. 965, dated 15th August 1877; *vide* G. R. No. 5080, dated 20th idem.)

14. The Collector of Dhárwár having asked for instructions as to the course to be adopted in the case noted in the subjoined letter:—

"The village of Agadi is held in inám. It is entered in the revenue accounts as held by Hanmantgauda Bahádur Desái, but there are four equal sharers in it, namely:—

(1) the said Hanmantgauda,

(2) Basangauda bin Chikangauda,

(3) Bishtangauda bin Lingangauda, and

(4) Bayábái kom Putlingangauda.

"Bayábái is a minor and her estate came under the management of the Collector three years ago and is still under my management.

"The two sharers Nos. 1 and 2 mortgaged their shares of the village to the Jághirdár of Javur. When Bayábái's estate came under the management of the Collector, an order was given that the revenue of the village should be collected through the village officers (Section 85 of the Land Revenue Code) and not directly by the parties. The minor's share has in this way been realized each year.

"The village officers collected the revenue of 1879-80. No. 1, Hanmantgauda, refused to receive his share from them and claimed a right to collect the whole directly. Similarly, the mortgagee claimed a right to collect the revenue directly from the cultivators. The revenue minus the shares of Bhistangauda and Báyábi was kept in deposit in the treasury and it was attached by the Civil Court at the instance of another creditor of Hanmantgauda and Basangauda.

"The mortgagee then sued Hanmantgauda and Basangauda to obtain a declaration of his right to collect the revenues of the village appertaining to the defendants' eight-annas share therein, and on 19th January last, obtained a declaratory order to that effect. On 27th February, he sent me a copy of the decree and prayed for an order to the village officers to pay to him the defendants' share of the revenue. The defendants still disputed the mortgagee's right and I refused to interfere unless the Civil Court sent me an order to comply with the decree. The share of the revenue for last year was therefore paid as formerly by the village officers to the two inámdárs.

"I beg to enquire whether in future the share of the revenue belonging to Hanmantgauda and Basangauda should be paid to the mortgagee under the authority of the Court's declaratory order or not. Hanmantgauda has recently died and his heir's name has not yet been entered in the accounts."

he was directed to act in accordance with the course suggested in the following report of the Remembrancer of Legal Affairs, No. 592, dated 23rd January 1883, copies of which were also forwarded to the Commissioners of Divisions and all Collectors:—

"The Remembrancer of Legal Affairs has the honour to state that as the decree obtained by the mortgagees is a declaratory one merely, the Civil Court will not take any step for its execution. A decree capable of being executed could not have been obtained by them unless they had made the Collector, or at any rate the village officers, parties to the suit—a course which it is not desirable to compel people

to take needlessly. The decree which has been procured by the mortagees is, as between the parties thereto, a binding declaration of their right to receive the two defendants' share of the village revenue, and the village officers should, I think, be instructed to act in conformity with it."

(G. R. No. 592, dated 23rd January 1883.)

15. The following opinion of the Remembrancer of Legal Affairs No. 110, dated 23rd January 1884, deals with the question whether the heirs of a first husband can inherit inám property belonging to the second husband of a Hindu woman :—

"It is the settled Hindu law of this Presidency that a widow takes only a life-interest in the immoveable property of her husband dying without male issue, and that on her death the property passes to the next of her husband. (*Jamiatram* v. *Bai Jamna*, 2 Bombay High Court Report, 10, and *Bhaskar Trimbak Acharya* v. *Mahadeo Ranji*, 6 Bombay High Court Report, I. O. C. J.) The inám property which Bai Heta inherited from her second husband belongs, therefore, since her death to those persons who would have been his heir if he had died at the time when his widow died. Moti, the son of Bai Heta's son by her first husband, has no right to succeed to any property of her second husband to whom he was an entire stranger.

"But assuming that the inám in question has been brought under the Summary Settlement Act, Government would only have a right to discontinue it in the absence of all heirs, even the most distant, to Bai Heta's second husband, Jessa Bhika. Moti is not entitled to the property as a reversionary heir on the death of his grand-mother, but the person *primâ facie* entitled to dispute his right to hold it is the nearest heir of the man Jessa Bhika, and if the nearest heir has recognized or acquisced in Moti's enjoyment of the property, that is sufficient, as against Government, to give Moti a good title, for the property is transferable as well as heritable in pepetuity.

"I am of opinion, therefore, that Government are only entitled to intervene if Jessa Bhika has left absolutely no heirs."

(G. R. No. 1285, dated 11th February 1884.)

16. Questions regarding saranjáms will be disposed of exclusively in the Political Department, reference being previously made to the Revenue Department whenever the interests of Government in that Department appear to be affected. (G. M., P. D., No. 4400, dated 8th July 1887.)

17. Registers of abstracts of decisions passed by the Inám Commissioner under Act XI of 1852 should be prepared for all the districts concerned, and 14 copies of the register for each táluka when completed should be supplied to Government. (G. R. No. 2914, dated 16th April 1886, and G. M. No. 4712, dated 11th July 1891.)

18. For the purpose of calculating the revenue of the current year payable to the family of the deceased holder of a personal inám continuable for life or of a saranjám, the revenue year (*i. e.* from 1st August) should be adopted. (G. R. No. 3635, dated 25th April 1892.)

VI.—SANADS.

1. Sanads for inám lands or for cash allowances which have become worn out and useless may be renewed on payment of a fine at the rate of one anna

on each rupee of the Inám or cash allowance with a minimum limit of one rupee and a maximum of Rs. 50. (G. Rs. Nos. 6012, dated 25th October 1875, and 6537, dated 6th December 1879.)

2. The fine should be recovered in cash, and the new sanad should be an exact copy of the original one. If the two agree, the printed standard form can be used. The renewed sanad should be endorsed thus :—"Fine Rs. levied and a fresh copy delivered on this the day of 18 ." (G. R. No. 670, dated 29th January 1876.)

3. If one or more survey numbers recorded in a sanad are relinquished by transfer to other private individuals, a new sanad should not issue. The party to whom the transfer is made can arrange to obtain copy of the original sanad in the usual manner. (G. R. No. 2724, dated 5th May 1876.)

4. When one out of several survey numbers included in the same sanad is relinquished to Government, there will be no occasion to take a separate rázináma or formal deed of relinquishment in addition to that endorsed on the sanad itself, which should of course be signed by the holder. This order refers only to cases in which a sanad-holder wishes for his own sake or on behalf of his transferee that the relinquishment or transfer should be noted on his sanad. Government do not wish it to be considered obligatory on the holder of a sanad to offer it for endorsement, should he give up to Government or any private person a portion of the land for which it was issued. When all the numbers included in a sanad are relinquished to Government, the sanad should be recalled and cancelled. (G.Rs. Nos. 3669, dated 23rd June 1876, and 5102, dated 6th September 1876.)

5. Alteration in the entries of inám lands, such as transferring personal inám to the head of devasthán, cannot be allowed without the sanction of Government, as no authority but that of Government is sufficient to sanction a change of tenure. (G. R. No. 6279, dated 2nd November 1876.)

6. When waste land is given to an Inámdár in exchange for his inám land taken up by Government, no fresh sanad need be issued to replace the one already existing. It will be sufficient in such cases if the existing sanad is altered, care being taken that the Inámdár's assent to the exchange is endorsed on the sanad, while the alteration in the deed should be certified by the Collector's signature. (G. R. No. 7851, dated 23rd December 1881.)

7. Neither Section 213 of the Bombay Land Revenue Code, nor Section 91 of the Registration Act applies to copies of sanads. Sanads being documents which Government give into the hands of the persons whose titles they evidence, they do not form part of the records of any Government office. The only record kept of them is a register. Hence the law provides for extracts being given from these registers when applied for but not for the grant of

copies of the sanads themselves. (L. R. No. 673, dated 15th May 1883; *vide* G. R. No. 4180, dated 2nd June 1883.)

8. In cases in which it is found necessary to make out a sanad in the names of several sharers of watans, a copy may be given gratis to each, but each of such copies should be signed and executed by the same officer and treated as an original document. In no other case can a copy of a sanad be granted, but an extract from the register of sanads may be given on payment of the fees prescribed in the rules under Section 213 of the Land Revenue Code and Section 91 of the Registration Act. (G. R. No. 4180, dated 2nd June 1883.)

9. When issuing revised sanads to holders of summary settlement sanads new conditions of tenure cannot be imposed. No terms should be inserted other than those prescribed by Bombay Act VII of 1863. It is inconsistent to head a sanad as issued under Act III of 1863 and then to insert in it conditions which are not warranted by the Act. (L. R. No. 104, dated 24th January 1888; *vide* G. R. No. 2074, dated 4th April 1888.)

10. In cases of mere clerical mistakes in sanads, Commissioners are authorized to sanction their cancellation and the issue of fresh ones in their stead without reference to Government, except in matters beyond the scope of the Commissioner's proper authority. (G. R. No. 5589, dated 8th July 1892.)

11. Sanads once issued are the property of the holders thereof, and it was never contemplated that they should be renewed or altered otherwise than with the consent or at the instance of the holders themselves, except in the following cases:—

(1) When they refer to land which had not been surveyed and assessed when they were granted, and contain entries of areas, salámi, &c., expressly declared to be provisional only and liable to revision when the land is surveyed.

(2) When they are vitiated by some clerical error in making them out.

(3) When the land to which they relate has been entirely surrendered to or resumed by Government, in which case they should be re-called and cancelled if possible.

In other cases Government are not concerned in the renewal of sanads, though, when any changes occur which are likely to obscure the identity of land, the holders of them should be encouraged to present their sanads for endorsement or renewal if they prefer it, and are willing to pay the renewal fee. For Government purposes it is sufficient that all such changes should be duly recorded in Village Form IX, so that the identity of the land, for which the sanad was originally granted, can be readily traced through all subsequent changes of number, area, or assessment.

(G. R. No. 6003, dated 16th July 1894).

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KHOTS AND KHOTI VILLAGES.

I.—General Provisions relating to Khots and their Inferior Holders.

1. It is established beyond question—

(1) that Government has a right on occasion of a general survey to review and alter revenue payable by the Khots;

(2) that Khots have the right of settling with Government, in the gross, and of deriving a profit by sub-letting the land to others;

(3) that the rayat has a right to protection from over-exaction on the part of the Khots.

(G. R. No. 1832, dated 18th May 1860.)*

2. Under the survey lease, a Khot is liable for the full assessment of his village, and is, therefore, bound to pay the assessment due on a relinquished dhárekari's holding, though he cannot be compelled to cultivate the land so relinquished if he declines to do so. (G. R. No. 6265, dated 6th September 1870.)

3. Occupied wáwa or boundary dispute lands may be regarded as dhára lands held by the cultivators in possession without payment of any premium for the right of occupancy, unless they have been clearly held on terms of mere annual tenancy pending settlement of the boundary disputes. In the latter case only the cultivators should be required to pay five years' assessment for the occupancy right conceded to them. The usual percentage should be paid to the Khot of the village in which the lands have been included.

With regard to unoccupied lands, they should be assessed, having regard to their value as jungle, and then handed over unconditionally to the Khots.

(G. R. No. 2514, dated 19th April 1877.)

4. By the term "dhára lands" in the above order nothing was meant beyond survey occupancy. It appears that at the time of the survey settlement the right of occupancy of these wáwa lands was, as a rule, granted to the persons found actually in culti-

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* "The rights and privileges of Khots in Kolába are governed by Sections 37 and 38 of Bombay Act I of 1865. These sections were based on the Government Resolution No. 1832 of 18th May 1860. At the second reading of the Survey and Settlement Bill the late Sir Barrow Ellis said :—

'If this Resolution were published with the report of th present proceedings, there would be no ground for saying t sufficient information had not been given to the public in re to the nature of the settlements in khoti villages which i proposed to legalise.'

" (*Vide* page 170 of the Survey and Settlement Manu

"This Resolution may thus be said to be the chart the Khots and their rayats in the khoti villages i (*Extract from memorandum from the Commis No. 4426, dated 5th October 1893, vide* page 146 Selection No. CCXCI, New Series.)

vation of the lands, and the lands were entered in the names of persons so in possession. No change should be made as regards the entry of this wáwa lands and no premium should be charged for the right of their occupancy except in cases where the tenancy can be shown to be yearly and not of a permanent nature. (G. R. No. 1854, dated 29th February 1884.)

5. The following opinion (No. 268, dated 28th February 1882) of the Remembrancer of Legal Affairs was concurred in by Government :—

"It appears from the very few details given in the Collector's report that the village of P. in the Ratnágiri District is a dhárekari village, and that one of the gaonkars is responsible to Government for the collection of revenue, one of their member being appointed by rotation to be the kabuláyatdár for each year.

"2. The petitioner's turn is stated to have come in the year 1877-78, but the kabuláyatdár of the previous years having refused his consent, the Revenue authorities would not accept the petitioner's kabuláyat. There is a fixed cash allowance payable from the Government treasury as remuneration of the kabuláyatdár for damages, that is, I suppose, for loss of the payment of the allowance during the year he would have served as kabuláyatdár but for the withholding of consent.

"3. The petitioner applies for a certificate under Section 6 of the Pensions Act. The Collector is of opinion that under the authority of the ruling of the High Court, which he quotes from Indian Law Reports, 1 Bombay, page 75, a certificate is necessary; and under Rule 2 of the Rules* under the Pensions Act he refers the matter for the orders of Government recommending the grant of a certificate.

*Printed at pp. 295—308 of the Compilation of General Rules.

"4. Whether the nature of the petitioner's intended suit has been properly described or not, I am unable to say; but if it is intended to bring a suit for damages, no certificate is required. The ruling relied on by the Collector does not seem applicable, as the suit in that instance was to have a right declared to a certain share of a cash allowance and for payment of arrears. In the case under report, there is no dispute that the petitioner is a co-sharer and entitled to the payment when his turn of service comes. He appears to state that the late kabuláyatdár misled the Revenue authorities, and that he thereby lost his turn of management and the emoluments for the year. A suit for damages, that is, to recover from the defendant this loss, is not a suit relating to the grant of money.

"5. Even if petitioner intended to sue to have his right to be declared kabuláyatdár in his turn, his suit would not be prohibited by the Pensions Act, and a certificate under Section 6 thereof would not be necessary (*see* the subsequent ruling at page 531 of the same volume in which the former case is distinguished).

"6. Again, if the Khoti Settlement Act is applicable to present case, that Act declares that it shall be lawful for of the co-sharers at any time to sue for a decree *inter s* clare which of them is entitled to the management.

Lastly, it is not at all clear what Rule No. 2 of the de under the Pensions Act has to do with the present hy, if it had been necessary to grant a certificate n 6 of the Act, a reference should be made under he orders of Government."

842, dated 18th March 1882.)

6. Section 10 of the Khoti Settlement Act (Bombay Act I of 1880) provides that when any 'privileged occupant's' land is resigned or forfeited or lapses, it shall be at the disposal of the Khot. 'Privileged occupant' is defined in Section 3, clause (5), of the Act to mean a dhárekari or a quasi-dhárekari or an occupancy tenant. It is, therefore, clearly within the contemplation of the Legislature that there may be land-holders of any of these denominations in villages to which the Act applies. There may be in any such village land-holders of two or of all three of these denominations, or the land-holders may be all dhárekaris or all quasi-dhárekaris or all occupancy tenants. The provisions of the Act, inclusive of Section 10, apply equally whatever denomination the land-holders belong to. This seems to be quite reasonable, for if it be admitted that Section 10 is properly applicable to the holding of a dhárekari whose land is situated in a village in which the bulk of the land is khoti land, there is no difference, in principle, between his case and that of a neighbouring dhárekari who happens to hold in a village in which all the land-holders are dhárekaris. This result of the Act is in accordance both with former practice and with the intention of Government when framing the Act.

It has been questioned whether the Act applies at all to pure dhárekari villages, inasmuch as it extends only to villages 'held by Khots.' If, however, there is a Khot of any such village, it is he to whom the dhárekaris have to pay rent (Section 33 of the Act), and the Khot pays his land revenue or jama in the lump to Government (Section 4 of the Act). Looking to these provisions and to the fact that if any dhárekari's holding is resigned or forfeited or lapses, it is at the disposal of the Khot, it is quite correct to say that the village is held by the Khot, because, by Section 3, clause (10), of the Land Revenue Code (which Section 3, clause 12, of the Khoti Settlement Act makes applicable), 'to hold land' means 'to be legally invested with a right to the possession and enjoyment or disposal of such land, either immediately or at the termination of tenancies legally subsisting

(L. R. No. 19, dated 5th January 1885: *vide* G. R. No. 658, dated 23rd idem.)

7. Every effort should be made to put a stop to the practice of the Khots depriving the tenants of their old receipt books in order to destroy the proof of their *maktas*. (G. R. No. 10088, dated 16th December 1885.)

8. The answer to the question whether a Khot, in a village where there is a Kulkarni, is bound to write up the credit side of the rayat's receipt book, is that the Khot is bound "to keep, or cause to be kept, such accounts as may from time to time be required by the Collector under the orders of Government" (Section 15, Bombay Act I of 1880).

Rule VI of the Rules* under Section 40 (*e*) of the Khoti Act provides "The Khot *shall* keep under Section 15 the following three accounts :—

(1) The Appraisement Ledger.

(2) The Ledger.

(3) The Rayat's Receipt Book."

* Printed at pp. 573—593 of the Compilation of General Rules.

The fact that Government employ an agent whom Government, if they chose, may legally † require to keep such accounts, does not entitle the Khot to insist on being relieved of the duties imposed on him by law. No doubt the Khot cannot be called on to perform the duties imposed by law on the Kulkarni *alone*, under paragraph 2 of Section 17 of the Land Revenue Code.

† Under paragraph 1 of Section 17, Bombay Land Revenue Code.

But it is entirely at the discretion of Government to require any accounts to be kept by the Khot, and he cannot complain or demand that Government should transfer those duties to one of their paid servants.

It is only for certain purposes that the position and duties of the Khot are analogous to those of a Pátel. That partial analogy cannot relieve him from duties imposed by law, which duties, in villages where no Kulkarni is employed, must necessarily be performed by the Khot. The Kulkarni is not the Khot's official subordinate. The Khot's connection with Government is contractual, and no power over Government employés or officials has ever been conferred on him. If Government confer such powers, or relieve him of his duties, that is an act of grace, and not a right which he could claim.

The decision whether the Khot should be required to keep (or at his own expense cause to be kept) the accounts in question, is entirely at the discretion of Government, and if Government consider it desirable from an administrative point of view, the Khot has no right to object.

(L. R. No. 174, dated 9th February 1889 ; *vide* G. R. No. 1567, dated 26th idem.)

9. If any person holding the office of Khot without a sanad in any village to which the Khoti Settlement Act does not extend or has not been extended, refuses to execute the customary yearly kabuláyat, the Collector of the District shall issue a notification calling upon all persons claiming a right to execute such kabuláyat to submit such claim in writing to the Collector within six months of the date of such notification.

Such notification shall state that if no such claim is so submitted within such period, the office of the khotship with all the rights, perquisites and remuneration attached thereto, will be permanently forfeited to Government, and that Government will not thereafter recognize the claim of any person to reinstatement therein.

A copy of every such notification shall be affixed in each of the following places, *viz.*, the office of the Collector of the district, the office of the Mámlatdár or Mahálkari of the táluka or mahál in which the village is situate, and the *chávdi* or some other public building of the village to which it relates.

The Collector may also cause such notification to be published in any other manner that he may deem fit.

If no claim to execute a kabuláyat is submitted within the period required by such notification, the forfeiture of the khotship shall be enforced.

(G. R. No. 3861, dated 27th May 1889.)

II.—SURVEY AND SETTLEMENT.

1. The following report of the Remembrancer of Legal Affairs was circulated to the Commissioner, S. D., and the Collector of Ratnágiri in connection with a suggestion that the High Court be induced to issue a circular instructing the Subordinate Judges in the Ratnágiri District not to proclaim khoti lands for sale unless it is proved to the satisfaction of the Court that the judgment-debtor has been declared by the Settlement Officer to have a transferable interest in the property :—

"I do not think the High Court would deem that it has the power to issue such an order to the Subordinate Judge as the Collector recommends. I do not myself think that it would be competent to that Court to do so.

"2. Moreover, the determination of the Survey Officer, and the entry he makes in the Settlement Record as to whether an occupancy-tenant's interest is transferable otherwise than by inheritance or not, is subject to reversal or modification by the Civil Courts (Bombay Act I of 1880, Sections, 21 and 22), and it might be that the very proceedings, in which the Collector suggests that the Subordinate Judges should not take action unless the Survey Officer has declared the tenant's right to be transferable, would be the cause of the Courts being set in motion to determine authoritatively whether that declaration is right or not.

"3. Remedies intended to protect persons ignorant of the law and of their own rights under it from being victimized may be provided in some cases by the Legislature, but Civil Courts are, I think, not justified in taking any measures of their own motion which will favour or protect one class of suitors more than other. It is doubtful, therefore, whether the High Court would consent to issue any such order as that suggested, even if it deemed that it had the power to do so.

"4. The most suitable means of preventing the hardships to which the Collector has called attention would appear to be (1) that the Collector should take measures for making the legal effect of the non-transferability of tenants' rights more generally known and (2) that a test-case in each táluka or group of villages be contested in the Courts whenever opportunity occurs, legal and pecuniary assistance being given by Government, if necessary, to the tenant whose interest is involved.

"5. With reference to what the Collector describes as the disadvantage of a declaration under the Khoti Settlement Act that a tenant's right is not transferable, I think he overlooks the fact that the Survey Officer does not by such declaration create a new right or liability. He merely ascertains and records an existing right or liability, giving certainty (subject to the power of the Civil Courts to reverse or modify his

declaration) to that which before could not be definitely ascertained otherwise than by litigation. The primary object of the provision was to settle the relative rights of the litigation. The primary object of the provision was to settle the relative rights of the occupancy-tenant and the Khot, and in the imaginary case which the Collector suggests, the result would, in my opinion, be what the Legislature intended, *viz.*, that the occupancy-tenant would be prevented from transferring his land, which, when the occupancy-tenant's family became extinct, would revert to the Khot. To the best of my knowledge, the provision in question was not enacted with any idea of saving the tenant's land from his creditors, but it, no doubt has this advantageous effect also, if the tenants can only be taught the value of it."

(L. R. No. 301, dated 28th March 1887; *vide* G. R. No. 2764, dated 4th May 1887.)

2. The decisions of the Khoti Settlement Officer under Section 21 of Bombay Act I of 1880 are not appealable to any higher executive authority. (G. R. No. 6292, dated 16th September 1887.)

III.—ADMINISTRATION OF SURVEY SETTLEMENTS MADE UNDER THE KHOTI SETTLEMENT ACT, 1880.

1. According to paragraph 1 of Section 23 of the Khoti Settlement Act, Section 36 of that Act does not apply to a khoti village until such time as a survey settlement or a revised survey settlement is first introduced therein after the passing of the Act.

Under paragraph 2 of Section 23 the rights and responsibilities of all persons in a khoti village in respect of the payment of Local Fund Cess until such time, are to continue to be such as they would be if Section 36 had not been enacted.

There is no doubt that lands held by Khots are liable under Section 6 of Bombay Act III of 1869 to the Local Fund cess. There is little doubt either that they, as well as Inámdárs, are entitled under the latter part of Section 8 of the Act to recover this cess from their tenants. But they, as well as Inámdars, can only recover from their tenants what they themselves actually pay to Government, and each individual tenant is only liable for the proportion which the assessment or rental of his land bears to the total assessment or rental of the entire village. Neither a Khot nor an Inámdár is at liberty to make use of the provisions of the Act as a means of profit to himself by levying from his tenants in the name of Local Fund cess a larger amount than he himself has to pay to Government on that account. This was so held by the Bombay High Court in Special Appeal No. 303 of 1873 (High Court's Printed Judgments for 1874, page 29). The Court said:—

"The plaintiff's claim to recover as local cess one anna on every rupee of his own rent is clearly inadmissible. He has not given evidence * * * * to prove what would be the proper proportional amount of the Government assessment on the field in dispute, as deduced from the total assessment of the village; and, therefore, (assuming that the cess is recoverable from the defendant) there are no materials for determining the amount."

Where every holding in a village has been surveyed and assessed, there is no difficulty in determining what is the amount of each individual tenant's liability; but where this is not the case, the burden is on the superior holder to establish that the amount which he seeks to recover from any inferior holder is the proportion of the aggregate amount of cess payable for the village fairly due by that inferior holder. (L. R. No. 551, dated 29th April 1887; *vide* G. R. No. 4180, dated 7th July 1887.)

2. It will be seen from Sections 26 to 31 of the Khoti Settlement Act, I of 1880, that a managing Khot *can* only be appointed where the village is held by two or more co-sharers *jointly*. In that case *one* of their number *must* be nominated either (1) annually, or (2) in accordance with prearranged rotation, or (3) on the Collector's appointment, and such nominee is to receive the inferior holders' rents, to pay the Government dues and generally to perform all acts required by the Act to be performed by the Khot. Such nominee must under Section 29 be furnished with a certificate which is conclusive as to his right to manage for that year the village to which it relates. And such nominee *alone* is entitled to assistance in recovery of rents under the Land Revenue Code, Sections 87 and 89.

But when the Khots have divided, there can be no such thing as a managing Khot at all (Section 32).

In that case all the provisions of the Act apply to each Khot as if he were an independent holder of an entire khotki.

That is to say the share allotted to each Khot becomes on division a separate khotki, and each Khot is bound by all the duties, and entitled to all the rights and privileges which apply to a managing Khot in an undivided village. If the village is undivided, there *must* be a managing Khot. If the village is divided, there *cannot* be a managing Khot. This is clear also from a comparison of Sections 18 and 19. If a village be undivided, Section 18 requires the provisions as to the nomination of the managing Khot to be entered in the records. If partition has been effected, then the provisions as to a managing Khot apply not to the village but to each individual share. But if the village is divided, then it is the *duty* of the Collector (the words of Section 32 being imperative) to determine the amount of the jama payable in respect of each separate share, and the holders thus become severally liable (Section 32), instead of jointly and severally liable as when undivided under Section 26.

Under Section 15 of the Act certain duties have to be performed by the Khot. He must keep accounts and he must give written receipts. A receipt by any one else than the Khot would be obviously invalid.

But the Khot means in an undivided village the managing Khot, in a divided village each sharer.

Until, therefore, the shares are defined and until the sharers have been constituted independent holders of entire khotkis (Section 32), it is impossible for a tenant to obtain a valid receipt from any person who does not hold a certificate under Section 29.

If there be a managing Khot, he alone can grant a valid receipt, and I do not think he can delegate his right of collection, as he cannot transfer the correlative powers and duties (*vide Quebec and Richmond Railway Company* v. *Quin*, 12 Moore P. C., 232) as long as he holds the certificate. No one else can give a valid receipt and he has, therefore, no right to divest himself of that duty by transferring the collection to another person to whom, moreover, he cannot transfer his right to obtain official assistance.

If a tenant in such a village refused to pay a sharer other than the Kabuláyatdár Khot, he would be well within his rights. The sharer could not obtain official assistance, and as he could not grant a valid receipt and has divested himself of his rights under the Act by assenting to the nomination of a kabuláyatdár manager, he could not recover in the Civil Courts.

In Ratnágiri, such contentions very frequently occur in the Civil Courts. One faction of the co-parcenary assents to a complete partition, and specifies the allotment of tenants. The other faction denies any permanent system of partition and contends that a partition by tenants is impossible where tenancies are constantly changing in number and area. It appears that it was expressly to guard against such dispute that the provisions of Sections 26 to 32 were enacted. If the village is undivided, there can be no doubt the Kabuláyatdár Khot has the right to collect and no one else has, for no one else can grant a valid receipt. If the village is divided, then the only proper course is for the Collector to ascertain the shares, and for the system of nominating managing Khots to cease at once.

The responsibilities of each sharer and of each tenant are then ascertained, and there can be no further dispute.

(L. R. No. 1124, dated 11th October 1888; *vide* G. R. No. 7170, dated 27th idem.)

3. No holder can be allowed to collect "thul", or to obtain aid in so doing, unless he is

(*a*) a Kabuláyatdár Khot, or

(*b*) a separated Khot with defined responsibilities and duties, and as such bound to give a valid discharge to the servants, and capable of doing so.

Individual sharers cannot collect or obtain aid unless they are divided, and then their responsibilities must be defined under Section 32 of the Khoti Act.

If no such division has taken place, then the Kabuláyatdár Khot alone can collect the "thul,"

grant receipts and obtain assistance. (L. R. No. 1562, dated 14th December 1889; *vide* G. R. No. 657, dated 25th January 1890.)

IV.—ATTACHMENT OF KHOTI VILLAGES.

1. A Khot is liable to be assessed for khoti profits during the time that the khoti village is under attachment by Government—VII Bom. H. C. R., 41 A. C. J. (L. R. No. 464, dated 9th May 1876; *vide* G. R. No. 3111, dated 25th idem.)

2. In the case of khoti, khoti khichdi and dhára villages under attachment, the cost of management should be held to be the first charge on the collections and then the Government demand should be satisfied. If it can only be satisfied in parts, the amount of land revenue not paid should be held as balance unrealized in the revenue accounts. The income and expenditure of the attached villages should by rule be recorded in the Public Accounts under 'Personal Deposits.' The cost of management of the villages and the collections from them are not, in the first instance, Government receipts and payments, and cannot, therefore, be estimated for as such. (G. R. No. 7178, dated 26th September 1883.)

3. There are certain villages originally under gaonkari tenure which have been for long periods under direct Government management. These villages are described as being under "attachment," but the term "attachment" is probably used in a sense in which it is apparently understood in Ratnágiri merely to indicate the direct management of land which at some time or other had been under a middleman. As the villages are in no sense whatever the property or "holding" of the gaonkar and as the provisions of the Land Revenue Code, Sections 159-163, dealing with "attachment" for arrears of land revenue do not apply, it will be better that the word "attachment" should not be used in relation to such cases.

(G. R. No. 2260, dated 13th April 1888.)

4. The rule of limitation introduced by the Khoti Settlement Act (Section 39, clause *e*) was not intended to operate retrospectively, so as to receive rights already extinguished.

7 Mad. H. C. R., 283.
7 Mad. H. C. R., 288.
7 Mad. H. C. R., 293.
7 Mad. H. C. R., 298.
7 Mad. H. C. R., 392.
12 B. H., C. R., 237.
I. L. R., 3 C., 331.
I. L. R., 8 P. 99.
I. L. R., 1 M., 228.

New rules of limitation are never given such retrospective effect.

The operation of a new rule of limitation on a cause of action not already barred when it comes into force, is to stop the operation of the repealed law.

I. L. R., 1 B., 287.
I. L. R., 1 B., 295.
I. L. R., 1 C., 328.
I. L. R., 1 B., 305.

The Khoti Act operated only on causes of action not already barred. Claims which had already become barred under the law as it stood before, were unaffected by the new law.

Before Bombay I of 1880 came into force, khoti villages were not held on the same tenure, and were not all governed by the same principles of law.

Some were the *estates* of the Khots, secured to them by sanads, &c., with superadded conditions of service connected with the collection of the revenue.

These estates were not all in full proprietary right, but were yet distinguishable from a mere farm or office, as they were not held solely as remuneration for services to be performed.

Other khoti villages were held altogether without sanad by Khots who were mere farmers of the revenue, and whose rights were conditioned on the performance of service.

The khoti village in the case at 3, Bombay High Court Reports, 132, is an instance of this last mentioned class. And that case is a full authority for saying that on the failure of such non-sanadi Khot to fulfil the conditions on which he held his office, he was liable to be turned out of it, and would thereupon forfeit the rights which were merely remuneration for his services. He could not, as a matter of *right*, claim them again *at all*.

3 B. H. C. R., 132.

But it was different with regard to sanadi Khots. They were not mere servants or farmers. They had estates. The estates were burdened with service, but were not conditioned on the performance of service. Those estates, if they made default, were no doubt liable to attachment, but were not absolutely forfeited by such default. If, therefore, they were dispossessed, they had a right to claim them again, on payment of due compensation, provided they made their claim within the period allowed by law for the recovery of immoveable property.

At the time of the introduction of the Khoti Act, Limitation Act (XV of 1877) was operating on all claims not then already barred, and the twelve years' rule, therefore, applied to all sanadi Khots whose claims were not already barred. That is to say, sanadi Khots could have obtained possession on payment of dues, if they had sued within twelve years of the date when they were first dispossessed by Government.

But Revenue Officers had long treated sanadi and non-sanadi Khots as if they were on the same footing, and partly for convenience sake, partly from uncertainty as to the law, had allowed both classes reinstatement, if they applied within "a reasonable time:" *vide* G. R. No. 3939, of 5th October 1859.

The Khoti Act does away prospectively altogether in the places to which it extends, or to which it has been extended, with the distinction (which the Civil Courts always recognized) between sanadi Khots and non-sanadi Khots, and renders Khots of both classes

superior holders. And as superior holders, both non-sanadi and sanadi Khots whose rights were not already extinguished, became entitled, on the Act coming into force, to claim restoration under Section 162, Bombay Land Revenue Code, within twelve years of the 1st August after the Act came into force.

I. L. R., 8 B., 525.

That is to say, even non-sanadi Khots were treated as if they had an interest in the immoveable property itself, instead of only a conditional right to be remunerated out of it.

But in placing these two classes on exactly the same footing a difficulty arose.

An attachment by Government might either mean that Government no longer recognized the rights of the Khot as still subsisting, or that Government had placed the property under attachment, not denying the Khot's right to it, but merely holding it liable *as his property* to satisfy his debts.

In the former case the possession of Government would be adverse from the first. In the latter it would only become adverse when Government refused to restore the property on tender of the payment due.

When the Khoti Act rendered Section 162, Bombay Land Revenue Code, applicable to all Khots, as superior holders, every attachment, then pending, at once began to operate as dispossession, within twelve years of which the claim to restoration must be made.

In order to prevent that section operating to the prejudice of the sanadi Khot retrospectively on attachments which might have commenced on another understanding, Section 39 (*e*) of the Khoti Act treated all attachments then actually pending as if they had only just commenced, and gave twelve years from the date of the Act coming into force, within which restoration might be claimed.

But if there was no attachment actually pending, and dispossession had undoubtedly become complete before the Act came into force, then the rights of the dispossessed Khot were not revived or affected at all.

That is to say, a Khot, whose village at the time when the Act came into force, was entirely out of his possession, and not merely under attachment, could not within twelve years of the Act coming into force claim under Section 39 (*e*) to be restored on payment of the sums due by him.

If he was a non-sanadi Khot who had been dispossessed for non-performance of the duties of his office, he could not prior to Act I of 1880 claim, *as of right*, to be restored at all.

3 B. H. C. R., 122 I. L. R., 8 B., 525.

If he was a sanadi Khot who had been dispossessed, then he might have brought a suit (as in the case at 3 B. H. C. R., 132.) within twelve

years of his dispossession (not within twelve years of the Khoti Act coming into force) for a restoration of his *estate*, and if his tenure was not conditioned solely on the performance of service, it would probably be held that his restoration was not a mere matter of grace or to suit the convenience of Government, but a matter on payment of all dues he might claim as of right, if he made his claim within twelve years of dispossession. But his rights would not be extended by any thing in the Bombay Land Revenue Code or the Khoti Act.

It seems, therefore, that Section 162, Bombay Land Revenue Code, applied only to Khots whose villages were under attachment when the Khoti Act came into force, or which might thereafter come under attachment, but had no application to Khots whose dispossession had become *complete* before that date. Such last mentioned Khots only had such rights, as they might be able to prove against Government under the law, as it stood, before the Khoti Act, and in the case of non-sanadi and other Khots who were merely farmers of land revenue, restoration could not be claimed as of right *at all*, and in the case of others who laid claim under sanads or on other grounds to an *estate* in the lands, and alleged illegal dispossession, the Legislature apparently intended that they should assert any right of suit they might have, within twelve years of dispossession, and should not be admitted without contest to possession by the executive officers of Government.

A suit, if not brought within twelve years of dispossession, became time-barred.

The Legislature imposed no duty on Revenue or other executive officers to restore without suit those whom Government had already decided finally to dispossess.

If such a duty had been imposed, such officers would have had to decide whether the dispossessed Khots held solely on condition of service, or could claim a right to the *lands* under a sanad or any other title.

As far as Government are concerned, the dispossession is in itself a decision that in the opinion of Government no right to restoration existed.

Neither the Bombay Land Revenue Code nor the Khoti Act implies that any executive officers are bound or empowered to revise such a decision.

(G. R. No. 1621, dated 24th December 1889 ; *vide* G. R. No. 675, dated 25th January 1890.)

V.—TREES AND MANAGEMENT OF FORESTS IN KHOTI VILLAGES.

1. There should be no interference on the part of Government with teak and blackwood or any other trees growing on dhára land in the Ratnágiri and Kolába Districts in which the conditions of Mr. Dunlop's Proclamation of 1824 have been in force.

Cases of shares of forest property in teak and blackwood enjoyed by dhárekaries under the provisions of a kabuláyat made either with the Forest Department or with the Survey Department under the Settlement lease, should be considered exceptions to the general rule, and treated according to the terms of such agreements.

These orders are not applicable to any part of the Northern Konkan, where the sootedar stands in the place of the dhárekari, except, however, with the important distinction that he has never enjoyed any property in the teak and blackwood growing in his holding.

(G. Rs. Nos. 1240, dated 28th March 1868, and 2095, dated 27th May 1868.)

2. Government are not prepared to abandon their right to all royalty trees in the Ratnágiri District growing beyond the limits of reserved or protected forests, but they are pleased to concede to occupants of khoti lands the right to all kinds of reserved trees planted by them or which they might hereafter plant in their khoti land, provided they assented to the following conditions :—

(1) that an officer of the Forest Department be permitted to count the number of trees planted and see if it correspond with the numbers given out as such, and

(2) that the occupants agree in writing that before cutting any they should inform the forest office, and should any be cut without intimation to that officer they will lose all right to the timber cut and it should be the property of Government.

(G. Rs. Nos. 3363, dated 1st May 1883, and 3846, dated 5th June 1891.)

3. The right to the after growth of trees in khoti nisbat lands should be conceded to the Khots in the Kolába District, on the express condition that the concession is in no way intended to operate as admitting the status of a Khot in Kolába to be that of an occupant. (G. R. No. 836, dated 30th January 1893.)

4. It has been ruled* by the High Court that unless a Khot is proprietor of his land, Dunlop's Proclamation does not confer on, or confirm to him, any rights in timber trees. (G. R. No. 4285, dated 15th June 1886.)

5. In regard to villages or portions of villages in the Ratnágiri District in which the original survey settlement has been completed since the passing of Bombay Act V of 1879, Government can before the completion of the survey settlement of the district reserve by notification its rights to such trees in unalienated lands as it is desired to reserve. Such notification if in the form given in paragraph 4 of Appendix J of the Rules under the Land Revenue Code will not purport to affect the holders

* Bombay High Court Printed Judgments for 1875, page 327.

of dhára lands who under Dunlop's Proclamation are the proprietors of trees growing thereon. (L. R. No. 767, dated 7th June 1889; *vide* G. R. No. 4720, dated 21st July 1887.)

Note.—By Government Resolution No. 4720, dated 21st July 1887, the Collector of Ratnágiri was authorized to issue, in respect of all the surveyed tálukas before the completion of the survey settlement of the district, notifications reserving teak and blackwood trees in *all* lands, and ain and nána in varkas lands.

6. The management of forests in khoti villages should in all cases be vested in the Khot. In cases, therefore, where a minor may succeed to the khotship of a village, his guardian or the member of the family of the deceased appointed to the general management of the latter's estate should also be entrusted with the management of the forest belonging to his property. (G. R. No. 4475, dated 30th October 1865.)

7. The engagements of Dr. Gibson with the Khots, by which the latter are allowed one-third of the proceeds of all teak and blackwood cuttings and sales, should be faithfully and strictly adhered to. (G. R. No. 2290, dated 30th May 1865.)

Permission to cut teak and blackwood should not be given to the Khots, but on timber of this description being cut by the Forest Department they should be allowed one-third of the net proceeds. No restriction is to be placed on any other kind of wood growing in their lands or villages, unless reserved by Government under special agreement. (G.R. No. 2588, dated 20th June 1865.) Government Resolution No. 2588, dated 20th June 1865, is not to be interpreted as conferring any new privilege to the Khots of Ratnágiri, but as merely authorizing the continuance of past practice in that Collectorate.

In the case of the Khots in the settled districts in Thána who hold their forests under special agreement, they should be allowed one-third of the proceeds of all firewood cut in their villages, if it was intended at the time of the agreement that this right was to be conceded to them.

(G. R. No. 2936, dated 10th July 1865.)

The rule in Government Resolution No. 2588, dated 20th June 1865, is applicable to all Khots, whether resident or non-resident, who have entered into agreements to preserve the forests of their villages and not confined to the resident class only. Any Khot convicted of misconduct in regard to the conservancy or the disposal of the forest property of his village is barred the enjoyment of the share of profits conceded by the order in question under the conditions of the agreement made in the Settlement lease. (G. R. No. 114, dated 10th January 1866.)

8. The Forest authorities, before the introduction of the survey, entered into agreements with individual Khots for the preservation of certain valuable description of trees. Subsequently the survey officers were authorized by Government to make these agreements generally with all Khots and

allow them a share in all forest produce. Nor was the agreement to be restricted to resident Khots. But whether resident or non-resident, the Khot was to be held answerable for the protection of the forests on pain of losing his share in the proceeds. It follows that the agreements entered into by the Survey Department merely confirmed and amplified the concessions previously made. If a Khot has parted with his rights to a third party, the obligation to conserve the forests must be fulfilled by the purchaser, or else the rigths will be withheld. (G. R. No. 2531, dated 28th May 1870.)

9. If the Khots in the Kolába District who have accepted survey leases stipulating that they should on condition of preserving the forests get one-third of the produce fail to act up to the conditions they must lose the benefit of the agreement. It is no doubt difficult to determine to what extent they can reasonably be expected to preserve the forests, but if, as appears to be often the case, they take no steps whatever to protect the forests, but on the contrary assist in destroying them, Government is not bound to pay for a service which is not rendered. Payment should, therefore, be withheld in case of any proved neglect on the part of a Khot to carry out the condition on which the payment was promised, the claim of the Khot to payment of his share of forest produce being decided by the Collector. It will be for the Forest Department to prove in any case the negligence on the part of the Khot. (G. M. No. 6388, dated 28th August 1883, and G. R. No. 110, dated 7th January 1885.)

10. The managing Khot is the representative for the time being of the general body of Khots and their agent for all acts in which the Government are concerned. He is therefore the person to whom the payments under Government Resolution No. 2936, dated 10th July 1865, on account of one-third of the proceeds of the forest fellings in their village should be made, and he will be responsible for distributing the money to the co-sharers according to their severalrights. But the person who was the managing Khot in the year in which the money became due is not the one who should receive payment. His year being past and over, he is *functus officio*. The person who is actually the managing Khot at the time the payment is made is the only person with whom Government are justified in having any dealings, and the payments should be made to him only. The fact should, however, be clearly made known that the payments are made to the managing Khot for the time being as the agent and representative before Government of the co-parcenary, and the payment should be only made to him on his passing a receipt to the effect that he receives the money for and on behalf of the various co-sharers respectively entitled to a share thereof. (L. R. No. 534, dated 14th April 1884; *vide* G. R. No. 3377, dated 25th idem.)

11. When wood is cut in one village in order to supply a free grant to rayats of another village, the

Khot of the former village is incontestably entitled to one-third of the net value of the cutting.

When the cutting is in the same village in which the grant is to be made, it might possibly be established that the Government has a right to make such free grants without reference to the Khot, and that a felling made for such a purpose is not a felling within the meaning of the Khot's agreement. But to avoid litigation the Khot's assent should always in such cases be previously obtained to the cutting being made without entitling him to a share of the value of the wood cut.

(L. R. No. 815, dated 14th June 1890; *vide* G. R. No. 4651, dated 4th July 1890.)

VI.—MISCELLANEOUS.

1. *Survey Settlement.*—On the introduction of a new survey settlement into any village under Section 38 of the Khoti Settlement Act, 1880, precisely the same procedure must be followed as on the introduction of a survey settlement, whether original or revised, into any other khoti village. (L. R. No. 1244, dated 2nd October 1880; *vide* G. R. No. 5379, dated 12th idem.)

2. *Conversion of Khoti nisbat into Dhára land.*—The conversion of khoti nisbat into dhára land should in no circumstances be permitted. (G. R. No. 1117, dated 11th February 1886.)